EXHIBIT C-15

RIVERSIDE SUPERIOR COURT
PUBLIC ACCESS

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Minute Order

Case INC089070 - JCM FARMING INC VS TWO KEY LLC; ET AL

CASE MANAGEMENT CONFERENCE HEARING
02/22/2010 8:30 AM DEPT. 2F

HONORABLE JOHN G EVANS, PRESIDING
CLERK: L. HOOGENDYK
COURT REPORTER: D.E.KOTTER
JCM FARMING INC REPRESENTED BY/IN LUIS MACIAS JR.
2 KEY LLC, STP AVIATION LLP, RICHARD TOOKEY, TRAVIS PERKINS, T & T AVIATION INC REPRESENTED BY/IN PETER J. MCBREEN VIA COURT CALL
ORAL MOTION BY PLAINTIFF RE DISMISS TWO KEY LLC AND TNT AVIATION IS CALLED FOR HEARING
MOTION TO DISMISS TWO KEY LLC AND TNT AVIATION IS GRANTED.
ON THE COMPLAINT FILED 08/26/2009 OF JCM FARMING INC DEFENDANT/CROSS-DEFENDANT TWO KEY LLC, TNT AVIATION ORDERED DISMISSED WITHOUT PREJUDICE.
COURT FINDS AT ISSUE.
TRIAL SETTING CONFERENCE SET FOR 05/17/10 AT 08:30 IN DEPT. 01
FUTURE HEARING SCHEDULED - HEARING DISPOSITION
TRIAL COUNSEL MUST BE PRESENT.
NOTICE WAIVED

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EXHIBIT C-15

EXHIBIT C-16

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE INDIO BRANCH, 46-200 OASIS STREET, INDIO, CA 92201			FOR COURT USE ONLY
TITLE OF CASE (Abbreviated) **JCM FARMING, INC. v. TWO KEY, LLC, et al.**			
ATTORNEY(S) NAME AND ADDRESS **DALEY & HEFT, LLP, ATTORNEYS AT LAW** **ANDREW K. RAUCH, ESQ.** **BAR #137657** **JOYATI TANYA SHOME, ESQ.** **BAR #216560** **462 STEVENS AVENUE, SUITE 201** **SOLANA BEACH, CA 92075**			
ATTORNEY(S) FOR: **Plaintiff JCM FARMING, INC.**	TELEPHONE: **858-755-5666** FACSIMILE: **858-755-7870**	HEARING DATE - TIME - DEPT. **Date:** **Time:** **Dept.: 2J** **Judge: HON. RANDALL D. WHITE**	CASE NUMBER **INC089070**

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare: That I am, and was at the time of service of the papers herein referred to, over the age of eighteen years, and not a party to the action; and I am employed in the County of San Diego, California, in which county the within-mentioned mailing occurred. My business address is 462 Stevens Avenue, Suite 201, Solana Beach, California. I served the following document(s):

by placing a copy thereof in a separate envelope for each addressee named hereafter, addressed to each such addressee respectively as follows:

Peter J. McBreen, Esq.
McBreen & Senior
2029 Century Park East
Third Floor
Los Angeles, CA 90067
Attorneys for Defendants, 2Key LLC, T & T Aviation, Inc., STP Aviation LLP, Richard Tookey, and Travis Perkins

Brent M. Berman, Esq.
Law Office of Brent M. Berman
P.O. Box 2589
San Marcos, CA 92079
Phone: (760) 772-5255
Attorneys for Defendants, 2Key LLC, T & T Aviation, Inc., STP Aviation LLP, Richard Tookey, and Travis Perkins

I then sealed each envelope and placed it for mailing in accord with our business' practice on April 30, 2010

I am readily familiar with our business' practice for collecting, processing and mailing correspondence and pleadings. Such correspondence and pleadings are deposited on the same day with the U.S. Postal Service in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 30, 2010 at Solana Beach, California.

(Signature)

PROOF OF SERVICE BY MAIL
(C.C.P. 1013a and 2015.5)

SD-72

EXHIBIT C-16

EXHIBIT C-17

MC-050

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Andrew K. Rauch/137657
Daley & Heft, LLP
Attorneys at Law
462 Stevens Avenue, Suite 201
Solana Beach, CA 92075
TELEPHONE NO.: (858) 755-5666 FAX NO. (Optional): (858) 755-7870
E-MAIL ADDRESS (Optional):
ATTORNEY FOR (Name): JCM Farming, Inc.

FOR COURT USE ONLY

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
MAY 03 2010
C. PULSIFER

NR MAY 12 2010

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Riverside
STREET ADDRESS: 46-200 Oasis Street
MAILING ADDRESS:
CITY AND ZIP CODE: Indio, CA 92201
BRANCH NAME: Indio Court Branch

CASE NAME: JCM FARMING, INC. v. TWO KEY LLC, et al.

SUBSTITUTION OF ATTORNEY—CIVIL
(Without Court Order)

CASE NUMBER:
INC089070

THE COURT AND ALL PARTIES ARE NOTIFIED THAT (name): JCM Farming, Inc. makes the following substitution:

1. **Former legal representative** ☐ Party represented self ☒ Attorney (name): Daley & Heft, LLP
2. **New legal representative** ☐ Party is representing self* ☒ Attorney Andrew K. Rauch
   a. Name: Andrew K. Rauch b. State Bar No. (if applicable): 137657
   c. Address (number, street, city, ZIP, and law firm name, if applicable): 201 Lomas Santa Fe Drive, Suite 400, Solana Beach, CA 92075
   d. Telephone No. (include area code): (858) 724-0840
3. The party making this substitution is a ☒ plaintiff ☐ defendant ☐ petitioner ☐ respondent ☐ other (specify):

***NOTICE TO PARTIES APPLYING TO REPRESENT THEMSELVES**

- Guardian
- Conservator
- Trustee
- Personal Representative
- Probate fiduciary
- Corporation
- Guardian ad litem
- Unincorporated association

If you are applying as one of the parties on this list, you may NOT act as your own attorney in most cases. Use this form to substitute one attorney for another attorney. SEEK LEGAL ADVICE BEFORE APPLYING TO REPRESENT YOURSELF.

NOTICE TO PARTIES WITHOUT ATTORNEYS
A party representing himself or herself may wish to seek legal assistance. Failure to take timely and appropriate action in this case may result in serious legal consequences.

4. I consent to this substitution.
   Date: APR 29 2010
   JCM Farming, Inc./Marilena C. Marrelli, President
   (TYPE OR PRINT NAME)
   ▶ _____
   (SIGNATURE OF PARTY)

5. ☒ I consent to this substitution.
   Date: 4-28-2010
   Daley & Heft, LLP/Andrew K. Rauch
   (TYPE OR PRINT NAME)
   ▶ _____
   (SIGNATURE OF FORMER ATTORNEY)

6. ☒ I consent to this substitution.
   Date: 4-29-2010
   Andrew K. Rauch
   (TYPE OR PRINT NAME)
   ▶ _____
   (SIGNATURE OF NEW ATTORNEY)

(See reverse for proof of service by mail)

Form Adopted For Mandatory Use
Judicial Council of California
MC-050 [Rev. January 1, 2009]

SUBSTITUTION OF ATTORNEY—CIVIL
(Without Court Order)

Legal Solutions Plus

Code of Civil Procedure, §§ 284(1), 285;
Cal. Rules of Court, rule 3.1362

EXHIBIT C-17

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE INDIO BRANCH, 46-200 OASIS STREET, INDIO, CA 92201			FOR COURT USE ONLY FILED DPM SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE MAY 17 2010 S. COOK MAY 21 2010
TITLE OF CASE (Abbreviated) **JCM FARMING, INC. v. TWO KEY, LLC, et al.**			
ATTORNEY(S) NAME AND ADDRESS **DALEY & HEFT, LLP, ATTORNEYS AT LAW** **ANDREW K. RAUCH, ESQ.** BAR #137657 **JOYATI TANYA SHOME, ESQ.** BAR #216560 **462 STEVENS AVENUE, SUITE 201** **SOLANA BEACH, CA 92075**			
ATTORNEY(S) FOR: **Plaintiff JCM FARMING, INC.**	TELEPHONE: **858-755-5666** FACSIMILE: **858-755-7870**	HEARING DATE - TIME - DEPT. **Date:** **Time:** **Dept.: 2J** **Judge: HON. RANDALL D. WHITE**	CASE NUMBER **INC089070**

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare: That I am, and was at the time of service of the papers herein referred to, over the age of eighteen years, and not a party to the action; and I am employed in the County of San Diego, California, in which county the within-mentioned mailing occurred. My business address is 462 Stevens Avenue, Suite 201, Solana Beach, California. I served the following document(s):

SUBSTITUTION OF ATTORNEY--CIVIL (CONFORMED COPY)

by placing a copy thereof in a separate envelope for each addressee named hereafter, addressed to each such addressee respectively as follows:

Peter J. McBreen, Esq.
McBreen & Senior
2029 Century Park East, Third Floor
Los Angeles, CA 90067
Attorneys for Defendants 2Key LLC, T & T Aviation, Inc., STP Aviation LLP, Richard Tookey, and Travis Perkins

Brent M. Berman, Esq.
Law Office of Brent M. Berman
P.O. Box 2589
San Marcos, CA 92079
Phone: (760) 772-5255
Attorneys for Defendants 2Key LLC, T & T Aviation, Inc., STP Aviation LLP, Richard Tookey, and Travis Perkins

Andrew K. Rauch, Esq.
201 Lomas Santa Fe Drive, Suite 400
Solana Beach, CA 92075
(858) 724-0840
Attorney for Plaintiff JCM Farming, Inc.

I then sealed each envelope and placed it for mailing in accord with our business' practice on May 14, 2010

I am readily familiar with our business' practice for collecting, processing and mailing correspondence and pleadings. Such correspondence and pleadings are deposited on the same day with the U.S. Postal Service in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 14, 2010 at Solana Beach, California.

Diane S. Rodgers
(Signature)

PROOF OF SERVICE BY MAIL
(C.C.P. 1013a and 2015.5)

SD-72

EXHIBIT C-17

EXHIBIT C-18

RIVERSIDE SUPERIOR COURT
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Minute Order

Case INC089070 - JCM FARMING INC VS TWO KEY LLC; ET AL

TRIAL SETTING CONFERENCE
05/17/2010 8:30 AM DEPT. 01

HONORABLE GLORIA CONNOR TRASK, PRESIDING
CLERK: C. ANDREWS
COURT REPORTER: P. HANSON
PETER MCBREEN VIA COURT CALL PRESENT
ANDREW RAUCH VIA COURT CALL PRESENT
JURY TRIAL SET FOR 11/15/10 AT 09:30 DEPT 01; ESTIMATED TIME 5 DAYS.
ESTIMATED LENGTH OF TRIAL 5 DAYS.
MANDATORY SETTLEMENT CONFERENCE SET 09/14/10 AT 11:00 DEPT/ROOM 163
FUTURE HEARING SCHEDULED - HEARING DISPOSITION

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EXHIBIT C-18

EXHIBIT C-19

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Minute Order

Case INC089070 - JCM FARMING INC VS TWO KEY LLC; ET AL

MANDATORY SETTLEMENT CONFERENCE
09/14/2010 11:00 AM DEPT. 163

NOT SETTLED AT MANDATORY SETTLEMENT CONFERENCE.

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EXHIBIT C-19

EXHIBIT C-20

Andrew K. Rauch (State Bar No. 137657)
201 Lomas Santa Fe Drive, Suite 400
Solana Beach, CA 92075
Telephone: (858) 724-0840
Facsimile: (858) 724-0845

Attorneys for Plaintiff,
JCM FARMING, INC.

FILED
09/20/2010
S COOK
Superior Court of California
County of Riverside

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF RIVERSIDE, INDIO BRANCH

JCM FARMING, INC.,

Plaintiff,

v.

TWO KEY LLC, 2 KEY LLC, TNT AVIATION, STP AVIATION LLP, RICHARD TOOKEY, TRAVIS PERKINS, and, DOES 1 through 50, inclusive,

Defendants.

Case No. INC 089070

SUPPLEMENTAL DECLARATION OF ANDREW K. RAUCH IN SUPPORT IN SUPPORT OF APPLICATION FOR TEMPORARY RESTRAINING ORDER

Hearing Date: September 21, 2010
Hearing Time: 8:30 a.m.
Dept.: 2F
Judge: JOHN G. EVANS
Trial: November 15, 2010

I, ANDREW K. RAUCH, hereby declare as follows:

1. I am an attorney licensed to practice in all Courts in the State of California. I am an attorney for the plaintiff, JCM Farming, Inc. in the above-captioned matter. If called upon to do so, I could competently testify to the matters contained herein.

2. During discovery and investigation conducted in this case, I received a copy of a contract that is claimed to be the authorization for the defendants to conduct their flights in the vicinity of the plaintiff's property.

3. Attached hereto and marked as Exhibit 9 is a true and correct copy of the first page and page 30 of the contract that I received. On page 30, in Section C.14 is (PART 2) is a description of the areas to be flown pursuant to the contract. The section says that the areas to be flown are rural agricultural areas.

EXHIBIT C-20

4. At or before 10:00 a.m. on Monday, September 20, 2010, I discussed the nature of the motion to be brought and the time and place of hearing with defendants' counsel. I subsequently provided a copy of the proposed Order to the defendants' counsel. He was unable to agree to its provisions on behalf of his client.

I testify, under penalty of perjury under the laws of the State of California, that the following is true and correct. As to those matters stated above pursuant to information and belief, I believe the same to be true. Executed this 20th day of September, 2010 at Solana Beach, California.

Andrew K. Rauch
Attorneys for Plaintiff,
JCM Farming, Inc.

EXHIBIT C-20

APR-10-2007 09:19 6123702071 P.02

MAR-26-2007 13:40 3702071 6123702071 P.01/01

SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS (OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, & 30)

1. REQUISITION NUMBER	PAGE	OF
94560	1	3

2. CONTRACT NO.	3. AWARD/ EFFECTIVE DATE	4. ORDER NUMBER	5. SOLICITATION NUMBER	6. SOLICITATION ISSUE DATE
AG-6395-C-07-0041	03/23/2007			

7. FOR SOLICITATION INFORMATION CALL:	a. NAME	b. TELEPHONE NUMBER (No collect calls)	c. OFFER DUE DATE/LOCAL TIME
	JOSH GALLAGHER	612 336 3295	

8. ISSUED BY	CODE	10. THIS ACQUISITION IS
USDA APHIS MRPBS	APHIS-MRPBS-	☐ UNRESTRICTED OR ☒ SET ASIDE % FOR: ☐ SMALL BUSINESS ☐ EMERGING SMALL BUSINESS ☐ HUBZONE SMALL BUSINESS ☐ SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS ☐ WOMEN-OWNED SMALL BUSINESS
		NAICS: 481112 SIZE STANDARD: 1,500

11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED ☐ SEE SCHEDULE	12. DISCOUNT TERMS	☐ 13a. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)	13b. RATING 14. METHOD OF SOLICITATION ☐ RFQ ☐ IFB ☐ RFP

15. DELIVER TO	CODE	16. ADMINISTERED BY	CODE
USDA APHIS PPQ PDNEF 3645 EAST CHIPMAN ROAD PHOENIX AZ 85040-2927	APHIS-PPQ-PDNRF-SLC	USDA APHIS MRPBS ASD Procurement Branch Butler Square, 5th Floor 100 N 6TH STREET MINNEAPOLIS MN 55403	APHIS-MRPBS-AS

17a. CONTRACTOR/ OFFEROR	CODE	FACILITY CODE	18a. PAYMENT WILL BE MADE BY	CODE
T T AVIATION INC 5035 GREENWOOD DR 742456386 A LEWISVILLE TX 75028	742456386		USDA OCFO National Finance Center-A USDA OCFO National Finance Center Acquisitions PO Box 60000 New Orleans LA 70160	127249

TELEPHONE NO.

☐ 17b. CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER

18b. SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 18a UNLESS BLOCK BELOW IS CHECKED ☒ SEE ADDENDUM

19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES	21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
	Tax ID Number: 74-2456386 DUNS Number: Not Available This is an IDIQ contract for Aerial Release of Sterile Moths in 3 counties of California which includes San Bernadino, Riverside, and Imperial. This contract shall be considered the first order up to roughly 152 dispersal hours. Should any hours over and above 152 hours be required, task orders shall be placed against this contract in accordance with the Contract's page 7. Delivery: 04/02/2007 (Use Reverse and/or Attach Additional Sheets as Necessary)				

25. ACCOUNTING AND APPROPRIATION DATA	26. TOTAL AWARD AMOUNT (For Govt. Use Only)
See schedule	$60,000.00

☐ 27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1, 52.212-4. FAR 52.212-3 AND 52.212-5 ARE ATTACHED. ADDENDA ☐ ARE ☐ ARE NOT ATTACHED

☒ 27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4. FAR 52.212-5 IS ATTACHED. ADDENDA ☐ ARE ☒ ARE NOT ATTACHED

☐ 28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN ____ COPIES TO ISSUING OFFICE. CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY ADDITIONAL SHEETS SUBJECT TO THE TERMS AND CONDITIONS SPECIFIED HEREIN.

☒ 29. AWARD OF CONTRACT: REF. ____ OFFER DATED 03/19/2007. YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN, IS ACCEPTED AS TO ITEMS: 1-5

30a. SIGNATURE OF OFFEROR/CONTRACTOR	31a. UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER)
	[signature]

30b. NAME AND TITLE OF SIGNER (Type or print)	30c. DATE SIGNED	31b. NAME OF CONTRACTING OFFICER (Type or print)	31c. DATE SIGNED
		HOWARD G. BRICH	03/26/2007

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PREVIOUS EDITION IS NOT USABLE
STANDARD FORM 1449 (REV. 3/2005)
Prescribed by GSA-FAR (48 CFR) 53.212

EXHIBIT 9 (page 1)

EXHIBIT C-20

TOTAL P.01

6. The estimated average time per load is 1 - 4 hours.

7. The estimated loads per day for each airplane will be 1 load.

8. A Certificate of Waiver for Federal Aviation Regulations, 14 CFR 91.313(c) will be required.

C.13 CERTIFICATION REQUIREMENTS - STATE/FEDERAL

Immediately upon award of the contract, the contractor shall contact the appropriate offices to identify all FAA and state requirements. The contractor will be required to comply with applicable Federal Aviation Administration (FAA) and state regulations covering operations that will be conducted. The contractor's pilots shall be licensed and certified by the FAA and the State of California.

Before award of the contract, the prospective contractor must submit copies of proof for the following:

1. Insurance and/or other requirements, including FAA Certificates of Waiver that apply, must be in effect before starting operations.

2. Documents that shall be available at the reporting airport for inspection by the COR include, but are not limited to; Aircraft Registration and Airworthiness Certificate; aircraft, propeller, and engine log books; pilot and medical certificates; and proof of flight review and insurance. Documents provided for proof of insurance shall clearly state:
a. The aircraft registration number
b. The period of coverage
c. Limits of liability

C.14 AREA COVERED

1. Areas to be flown will be assigned by the COR before each day's operation and may change throughout the day due to weather or other circumstances.

2. The areas to be flown are rural agricultural areas (cotton fields).

C.15 AIRCRAFT REQUIREMENTS

1. The aircraft will be required to operate in the restricted category.

2. The aircraft furnished shall be capable of maintaining a cruise speed of 120 MPH. The cabin space behind the crew must be large enough to accommodate installation of the insect release machine furnished by the Government and access large enough for loading / unloading the insect holding cassettes. The insect release machine dimensions and weight of each component are described in the attached pdf file entitled PBW Release Machine Assembly. The insect release machine base is mounted on top of aluminum support rails. A minimum three-inch clearance between the aluminum support rails and aircraft floor is required to accommodate the installation of the chute attached to the bottom of the aircraft. The equipment must be loaded / unloaded with no adverse safety hazards to personnel or cause damage to equipment or aircraft.

3. The aircraft will require modifications to accommodate the installation of the insect release machine and related equipment. These modifications include:

Opening in floor of belly of the aircraft to allow installation of a release chute for the insects overboard from the exit opening on the bottom of the insect release machine. See pdf file entitled Release Chute.

EXHIBIT 9 (page 2)

EXHIBIT C-20

EXHIBIT C-21

Andrew K. Rauch (State Bar No. 137657)
201 Lomas Santa Fe Drive, Suite 400
Solana Beach, CA 92075
Telephone: (858) 724-0840
Facsimile: (858) 724-0845

Attorneys for Plaintiff,
JCM FARMING, INC.

FILED
09/20/2010
S COOK
Superior Court of California
County of Riverside

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF RIVERSIDE, INDIO BRANCH

JCM FARMING, INC.,

Plaintiff,

v.

TWO KEY LLC, 2 KEY LLC, TNT AVIATION, STP AVIATION LLP, RICHARD TOOKEY, TRAVIS PERKINS, and, DOES 1 through 50, inclusive,

Defendants.

Case No. INC 089070

DECLARATION OF MARILENA MARRELLI IN SUPPORT OF EX PARTE APPLICATION FOR RESTRAINING ORDER

Hearing Date: September 21, 2010
Hearing Time: 8:30 a.m.
Dept.: 2F
Judge: JOHN G. EVANS
Trial: November 15, 2010

I, MARILENA MARRELLI, hereby declare as follows:

1. I am the President of JCM Farming, Inc., a California corporation ("JCM") that is plaintiff in the above-captioned matter. If called upon to do so, I could competently testify to the matters contained herein.

2. JCM Farming, Inc. is the owner of real property in the unincorporated area of Riverside County, California more particularly described as follows:

Parcels 1, 2, 3, and 4 of Parcel Map 16173, on file in Book 93, Pages 3 and 4 of Parcel Maps, Records of Riverside County, California.

This property is commonly known as 54-560 Oasis Street in Thermal, California. This property is also referred to as the "Oasis Ranch."

EXHIBIT C-21

3. JCM maintains an active farming operation, including a commercial olive orchard, and several buildings for both agricultural uses and private business activities on the Oasis Ranch. Employees of JCM Farming, Inc. on the property routinely use heavy machinery in performing their duties. The agriculture, repair, and maintenance activities often include working from elevated locations or on top of tall buildings or structures. Workers use cranes to move palm trees and other very heavy objects. The work on the Oasis Ranch, which is typical of other agricultural operations, includes many activities that are inherently dangerous. Employees need to exercise extreme caution in performing their functions. An unwanted distraction or activity that interferes with communications between workers could easily result in severe bodily injury or a fatality.

4. Aircraft flying 500 feet or below above the property, especially aircraft performing turns and other maneuvers directly above the property cause a dangerous distraction to our workers. The recent flights above the Subject Farm Property have caused distractions on our property. Work must stop when the flights occur.

5. I have personally observed aircraft flying directly above the Subject Farm Property, flying in a fashion that could be described as "dive bombing" or "buzzing" our property. I have personally observed aircraft that was flying less than 500 feet above our Property.

6. I have read stories in newspapers, including recent stories, about aircraft crashing or being involved in accidents. Because of the conduct of the pilot (or pilots) operating the aircraft which I personally observed, I am concerned about the safety of our workers due to an aircraft that may crash on our property.

7. A continuation of flights above our property would cause an immediate and continuing danger to our workers, employees, and officers on the Oasis Ranch.

8. I know from direct conversations that my employees have expressed their worries and concerns about these flight operations. From the reports I have received, JCM employees at the Oasis Ranch are concerned about their own safety due to these flights. Work stoppages caused by these flights create a substantial economic loss due to lost productivity and efficiency of business operations. JCM is unable to fully utilize its property. This intentional and malicious

EXHIBIT C-21

conduct by defendants is a trespass, an unwanted nuisance, a vexatious harassment and a tortuous interference with JCM's business relationships. JCM claims losses that exceed tens of thousands of dollars a day.

9. JCM places a high value on its privacy and has invested large amounts of capital and resources to preserve its privacy. Based on my observations and knowledge, I believe conduct of the pilots operating these low flights is an abridgement of JCM's fundamental constitutional privacy rights, a civil wrong that creates irreparable damage.

10. The most significant financial impact relates to the inability to execute our business plan. The details of this business plan are attached hereto and marked as Exhibit A. They are incorporated herein by reference. As shown, JCM has already invested significant capital and resources towards this major development. However, JCM has not been able to implement this business plan due to the conduct of aircraft operators.

11. Additionally, due to the unusual/high profile nature of the Oasis Ranch, the airspace above this property has been subjected to over-flights by many different types of aircraft, including hot air balloons, hang gliders, "ultralights" and aircraft operated by defendants. I believe that this combination of aircraft in this area creates a danger for mid-air collisions between the various types of aircraft, a danger not only to pilots, but to the public below.

12. Additionally, JCM Farming, Inc. owns a residence on Andover Way in the Vista Santa Rosa neighborhood, just to the east of the Subject Farm Property.

13. The Vista Santa Rosa neighborhood comprises about 200-250 homes in a residential subdivision. One of our workers lives in the home that JCM owns. To my knowledge, JCM has not received any prior notice of any flights under 1000 feet above this residential neighborhood. To my knowledge, JCM has not received any compensation or offer of compensation for use of its residential property beneath this 1000-foot height.

14. To my knowledge, JCM Farming has not received any prior public notice about agricultural operations above any of our properties. The only information that we have received about these operations has been from the direct inquiries that we have made related to the present litigation.

EXHIBIT C-21

15. Though JCM conducts farming operations at the Oasis Ranch, we do not farm cotton, okra or any agricultural product known to be a host for the Pink Bollworm. I do not have any information from any source that there is any justifiable need to treat our property (either the Oasis Ranch or the home in the residential neighborhood in the Vista Santa Rosa subdivision) with products to combat the Pink Bollworm.

I testify, under penalty of perjury under the laws of the State of California, that the following is true and correct. As to those matters stated above pursuant to information and belief, I believe the same to be true. Executed this 20th day of September, 2010 at Solana Beach, California.

Marilena Marrelli
Declarant,
JCM Farming, Inc.

EXHIBIT C-21

Personal and Confidential

Business Plan for Private Event and Meeting Center

Our vision is to create a one of a kind, ultra high-end, secure and private meeting and event center on a working ranch. The goal is to promote California's agrarian values and lifestyle, while providing a special environment to hold very private (absolutely no public access) and intimate events. The property will only be successful if it allows the guest to escape to a different time and place by experiencing the monastic tranquility, peace, security, and privacy unique to this property and its amenities.

Such property will be a respite for and marketed to State Departments, foreign dignitaries, diplomats, Fortune 500 executives and their boards, ultra high net worth individuals and their families and celebrities. Accommodations are available for a wide range of events including political fundraisers, business and board meetings, as well as intimate weddings, charity balls and parties. There will be no other experience like this in California.

Special note: New anti-stalking and anti-harassment laws went into effect January 1, 2010. We must be extremely sensitive to the security and privacy needs of high-profile individuals. Therefore, paramount value has been placed on safety, security, and privacy.

Plan of Execution:

In order to achieve this vision, the company surveyed land throughout the Western United States, targeting California. It was necessary to procure a minimum of 50 acres in order to achieve the privacy, security, and tranquility desired. Additionally, the land needed to be within a two-to-three hour drive from a major metropolitan area. In order to hold true to the planned theme (outlined below), the climate had to be representative of the Spanish Mediterranean environment. Only properties with entitlements to surface water were considered.

Finally, the company selected an 80 acre property in a resort community of Eastern Riverside County.

Once the land was procured, preparations for olive plantings commenced immediately. The trees take seven to ten years to come into production and must be fully grown to create the vision.

The company's creative design team and Ed Diaz (See Expert Biographies) started designing the project in 1991. Subsequently, Ed and the design team began architectural drawings and entitlement work. Ed provided the construction drawings and started the entitlement process through the Riverside County Planning and Building Departments. This project is unique in its design, demonstrated by the fact that Bob Hoffman, the Structural Engineer of record for the project, designed a proprietary structural system for the guest tower building. This system involved massive steel rings integrated into each floor of this framed multi-story building, which is the tallest structure in the Coachella Valley.

EXHIBIT A

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EXHIBIT C-21

Personal and Confidential

Obtaining the entitlements for this project was a long and difficult process. Ed logged hundreds of meetings with the County to achieve unique entitlements, including the event, meeting, tower, dining, living and worker facilities. Hundreds of thousands of dollars were invested with architects, engineers, and lawyers solely to obtain such entitlements. Ed met with Riverside County officials ranging from mid-level personnel to Department Directors to finally Riverside County District Supervisor Roy Wilson. Supervisor Wilson recognized all the work and effort we had gone through and how the company had never waivered in its commitment to build this project. With Supervisor Wilson's support, our design team was able to overcome the substantial obstacles the County presented regarding our design theme.

The property is exclusively entitled with the right to have as many events as desired, so long as each event has no more than 200 guests.

Inspiration and Design Theme

The theme chosen for this project is a historically detailed re-creation of the Moorish Fortress Castles found in Southern Spain during 900 CE – 1400 CE.

While most of Europe was suffering through the Dark Ages, southern Spain on the northwest shores of the Mediterranean Sea was a unique region of religious tolerance that welcomed talent and ideas from all cultures across Europe, Asia and Africa.

This Andalusian "melting pot" of Jewish, Muslim and Christian intellect and creative energy gave birth to advancements in science, medicine, agriculture, art, philosophy and commerce. The region eventually hosted the spark that ushered in the European Renaissance and a great "Golden Age of Mankind".

To both visibly and viscerally re-create this extraordinary time in history, Kelly O'Kelly (See Expert Biographies) and our design team has devoted thousands of hours of study and research, enlisting experts from numerous countries to achieve authenticity down to the smallest detail.

Craftsmen were recruited and trained to produce virtually every component of this project by hand and on-site. Metal smiths, wood carvers and stone artisans worked on-site to fabricate structural and architectural aspects such doors, windows, walls, furniture and stone features.

Superior materials for this project were procured through the great effort of our design team. Exquisite, dark walnut wood for furniture was grown on company orchards. Metals were brought in raw, then cut and welded to specification. Stone was imported from around the world, including original quarries used since *'Espana'* was a Roman Province.

Our quest for historical accuracy for this project has been extraordinary and we've brought to life a scene from a spectacular story 500 years in the making.

EXHIBIT C-21

Personal and Confidential

Property Features

Amenities include: 80 acre working olive ranch, a heliport, a banquet hall for 200 with projection screen, CAD 5 wiring, tented outdoor meeting facilities, several water features with over a million gallons of water, tower party room, commercial kitchens, bars, formal dining rooms, casitas, rooms for staff quarters, several barbeque areas and oversized outdoor fire features.

Expert Biographies

Kelly O' Kelly
History in Stone

Professional Background:
I joined the Stone & Tile industry in 1980 in Management and Creative Design. As a buyer, I traveled throughout the world developing and sourcing stone, tile, glass and metal materials and creating display concepts for these rich materials.

Experience & Understanding:
A lifetime passion for the study of the great civilizations of Ancient peoples, cultures and architecture flowered while traveling the world as an importer along with greater understanding of our ancestors. Although the progression of civilization was often won with the force of the sword, the victors ultimately turned their energies toward artistic pursuits such as the building of beautiful cities, castles, statues and gardens.

Understanding the dualistic nature of man is a valuable insight as to what the future holds for us. As Pablo Picasso once said, "Every act of creation is first an act of destruction."

History in Stone embraces the idea that in understanding the evolution of civilization, the people and the materials that built the story of our past, our legacy is preserved.

Ed Diaz
Ed Diaz & Associates

Professional Background:
I've been in the property management business in Riverside County since 1980 and have been involved in all types of projects from residential to institutional. I specialize in property entitlements, UBC code compliance and provide my clients with construction documents, supervision and obtain all necessary entitlements through city or county governments having jurisdiction on their property. From start to finish, this project was by far the most difficult I worked on. It took all the skills, expertise and integrity the company design team and I had to guide this project to completion.

(See Appendix A)

EXHIBIT C-21

Personal and Confidential

Marketing Plan:

Essentially, the property will not be marketed in the traditional sense. There will be no advertisements. It will not be read about in publications. The property is extraordinarily private and exclusive. As a way of describing the level of exclusivity, an analogy can be drawn comparing the property to Augusta National Golf Club or Cypress Point Country Club. If you call to join, you never get invited.

The best chefs in the Western United States will be contracted to provide services for our guests.

Pro forma:

Millions have been invested on the property and its improvements.

The daily rate for event:
Peak season November through April: weekends: $20,000/day
November through April: weekdays: $10,000/day
Peak season: $2,280,000

Off peak season May through October: weekends: $7,500/day
May through October: weekdays: $3,750/day
Off peak season: $855,000

Annual total: $3,135,000

Note: this for rental of the space only.

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EXHIBIT C-22

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Attorneys for Plaintiff,
JCM FARMING, INC.

FILED
09/20/2010
S COOK
Superior Court of California
County of Riverside

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF RIVERSIDE, INDIO BRANCH

JCM FARMING, INC.,

Plaintiff,

v.

TWO KEY LLC, 2 KEY LLC, TNT AVIATION, STP AVIATION LLP, RICHARD TOOKEY, TRAVIS PERKINS, and, DOES 1 through 50, inclusive,

Defendants.

Case No. INC 089070

DECLARATION OF ED LEGARRETA IN SUPPORT OF EX PARTE APPLICATION FOR RESTRAINING ORDER

Hearing Date: September 21, 2010
Hearing Time: 8:30 a.m.
Dept.: 2F
Judge: JOHN G. EVANS
Trial: November 15, 2010

I, ED LEGARRETA, hereby declare as follows:

1. I am employed in operations for Desert Ready Mix, a local cement and concrete company involved in improvement and construction projects for the property commonly known as the Oasis Ranch at 54-560 Oasis Street, near Thermal, California. Prior to working for Desert Ready Mix, I was in employed in operations for Simon Concrete, another local company engaged in the same industry. In my employment for Simon Concrete, I also did work for my employer at the Oasis Ranch property. I am over the age of 18 years and a resident of the County of Riverside.

2. I have personal knowledge of all matters stated herein and, if called as a witness, I could competently testify thereto, except as to those matters state upon information and belief, and as to those matters, I believe them to be true.

///

EXHIBIT C-22

3. The Oasis Ranch contains an active farming operation. The property has lemon, olive and date palm orchards. I have seen workers on the property tending to the crops on the Oasis Ranch and working on the buildings and improvements at the property. I have seen workers on the property using heavy machinery in performing their duties. I have also seen workers on the property working from elevated locations.

4. To my knowledge and belief, the Oasis Ranch property is owned by JCM Farming. Also to my knowledge and belief, my employers, Desert Ready Mix or Simon Concrete have not now, nor have they ever had, any ownership interest in the Oasis Ranch.

5. I have no investment in JCM Farming, Inc. and have no financial interest in that company. I have no financial interest in the outcome of this case. I have not been promised any money from JCM Farming, Inc. for providing any testimony in this action, nor do I anticipate that there will be any financial reward to me for providing any testimony.

6. On July 9, 2009, I came to the property to evaluate potential block placement and concrete placement for an irrigation system project on the Oasis Ranch property.

7. On July 9, 2009, I observed a single-engine aircraft fly over the property. The plane came in from the west, made 3 to 4 passes over the property and left to the west of the property. The plane flew very low, and I estimate that it came within thirty (30) feet of the tallest building on the property.

8. On July 9, 2009, I was very surprised to see how closely that the plane flew to the property. The plane was white with blue, orange, and black stripe with a tail number of N5347U. It flew very close to the building on the property and directly over them. Because of the behavior of the aircraft, some of the workers who were working on a tall wall on the property had to get down from the wall and stop their work. I observed one of the workers on the property take pictures of the airplane that I have described.

9. The photograph that is attached to my declaration and marked as "Exhibit ED-1" is a true and accurate representation of the airplane that I observed on July 9, 2009. The photograph accurately depicts the plane as I saw it on July 9, 2009. I am informed and believe that the photograph was taken on July 9, 2009 because it depicts the plane as I saw it that day.

EXHIBIT C-22

10. The photograph that is attached to my declaration and marked as "Exhibit ED-2" is a true and accurate representation of the airplane that I observed on July 9, 2009. The photograph accurately depicts the plane as I saw it on July 9, 2009. I am informed and believe that the photograph was taken on July 9, 2009 because it depicts the plane as I saw it that day.

11. The photograph that is attached to my declaration and marked as "Exhibit ED-3" is a true and accurate representation of the airplane that I observed on July 9, 2009. The photograph accurately depicts the plane as I saw it on July 9, 2009. I am informed and believe that the photograph was taken on July 9, 2009 because it depicts the plane as I saw it that day.

12. On September 13, 2009, I was again involved with work on the irrigation project at the Oasis Ranch. The work included moving several large blocks weighing several tons for this project. The work included the use of a crane with a sixty (60) foot boom. A true and accurate depiction of the crane and boom that was used for the project is shown on the photograph attached hereto and marked "Exhibit ED-4" and the photograph attached hereto and marked "Exhibit ED-5."

13. On September 13, 2009, in the morning, I observed an aircraft that began buzzing the property once again. This aircraft again approached the property from the west. The aircraft made 4-5 passes and was as low as eighty (80) feet from the ground. Once the plane was making passes around the buildings on the property, the plane remained within the confines of the property limits of the Oasis Ranch. The plane lowered his wing down toward the property to make the repeated passes. The behavior appeared to me to be an attempt to get the attention of the people on the ground or to harass us in our work activities. I observed one of the workers take his eyes off one of the large blocks that was being moved at the time so that the worker could look at the airplane. Due to the distraction that the plane caused and due to the obvious safety threat to the workers on the ground, all work operations had to cease. The plane flew over the property for about 15 minutes. Several people who were with me observed this flight on this day. After the plane made its passes, it again left directly from the direction from which it first approached the property.

14. From my point of observation, it was very clear to me that the pilot saw us working.

EXHIBIT C-22

15. From my point of observation, and based on my experience working on this project, it was very obvious that the pilot of the plane saw the large crane and boom in the air and could easily see the large blocks that were being moved. To any reasonable observer it would have been apparent that the plane's behavior necessarily would cause us to stop our work. Any interference with the proper use of our equipment can be extremely dangerous. The conduct of the pilot was clearly reckless and posed a significant danger to the workers in my crew. The conduct was clearly intentional and malicious.

16. I testify, under penalty of perjury under the laws of the State of California, that the following is true and correct. As to those matters stated above pursuant to information and belief, I believe the same to be true. Executed this 10th day of September, 2010 at Indio, California.

Ed Legarreta
Declarant

EXHIBIT C-22

EXHIBIT C-23

FILED
09/20/2010
S COOK
Superior Court of California
County of Riverside

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Attorneys for Plaintiff,
JCM FARMING, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF RIVERSIDE, INDIO BRANCH

JCM FARMING, INC.,

Plaintiff,

v.

TWO KEY LLC, 2 KEY LLC, TNT AVIATION, STP AVIATION LLP, RICHARD TOOKEY, TRAVIS PERKINS, and, DOES 1 through 50, inclusive,

Defendants.

Case No. INC 089070

DECLARATION OF JESÚS G. GARCIA IN SUPPORT OF EX PARTE APPLICATION FOR RESTRAINING ORDER

Hearing Date: September 21, 2010
Hearing Time: 8:30 a.m.
Dept.: 2F
Judge: JOHN G. EVANS
Trial: November 15, 2010

I, JESÚS G. GARCIA, hereby declare as follows:

1. I am employed by JCM Farming, Inc., the owner of the property commonly known as the Oasis Ranch at 54-560 Oasis Street, near Thermal, California. I am over the age of 18 years and a resident of the County of Riverside.

2. I have personal knowledge of all matters stated herein and, if called as a witness, I could competently testify thereto, except as to those matters stated upon information and belief, and as to those matters, I believe them to be true.

3. The Oasis Ranch contains an active farming operation. The property has lemon, olive and date palm orchards. In the middle of the southern portion of the property, the Oasis Ranch contains a group of buildings, one of which (the tower) is fifty (50) feet high. Over the last few years, extensive improvements have been made to the property, including new construction for

EXHIBIT C-23

the buildings and new/or improved irrigation and water retention systems. Employees of JCM Farming, Inc. on the property routinely use heavy machinery in performing their duties. The construction, repair, and maintenance activities often include working from elevated locations or on top of tall buildings or structures. We use cranes to move palm trees and other very heavy objects, including concrete blocks weighing up to 4,000 pounds for the irrigation system. The work on the Oasis Ranch, which is typical of other agricultural operations, includes many activities that are inherently dangerous. Employees need to exercise extreme caution in performing their functions. An unwanted distraction or activity that interferes with communications between workers could easily result in severe bodily injury or a fatality.

4. The Oasis Ranch has been subjected to a number of different low flyovers by aircraft, including fixed wing airplanes, hot air balloons, and "ultralights;" each flyover causing a disruption in our business activities. These flyovers have not abated, even after the attempts that our company has made to get them to stop. The situation has not improved, but appears to be getting worse. I believe that the defendants in this case have been flying airplanes at a very low altitude above the ranch.

5. An example of these low airplane flyovers that I witnessed included an event on June 18, 2009. The over-flight occurred early that morning at approximately 7:30. The plane was spiraling as it flew directly over the buildings on the property. My best approximation is that the plane was flying approximately 250 feet above the ground, since the aircraft appeared to be only 200 feet above the 50-foot tower on the property.

6. On or about June 28, 2009, at approximately 7:50 a.m., an aircraft flew over the property. I observed it directly over the buildings on the ranch at an altitude of 250 feet above the ground. Photographs were taken of this plane during this flyover. This flyover caused work to cease at the Ranch due to the distraction that it caused.

7. Another over-flight occurred on July 23, 2009 at approximately 8:15 a.m. The plane flew over the property between 6 and 8 times at extremely low altitudes. Based on my observation, it appeared that the aircraft flew only 80 feet from the top of the tower. Photographs were taken of

EXHIBIT C-23

the aircraft that day. This over-flight, as before, caused work on the Ranch to cease until we could be assured that the plane would not return.

8. On July 30, 2009, the aircraft appeared, again at about 8:40 a.m. This time the aircraft spent about 10 minutes buzzing the property and flew directly down the middle of the property and over the buildings about 8 times. It flew approximately 150 feet from the top of the tower, so I estimated its altitude to be around 200 feet. Photographs were also taken that day.

9. The next flyover incident occurred on August 3, 2009 at about 8:14 a.m. The airplane flew over the property about 5 times at an altitude of about 150 feet. Photographs were taken that day.

10. On August 13, 2009 at about 7:10 a.m., an airplane flew about 200 feet from the top of the tower and overflew the property for about two minutes. Photographs were also taken that day of the airplane.

11. On September 3, 2009, an aircraft flew about 250 feet over the property. It made about 3 passes over the property.

12. On September 13, 2009, I was present when a plane flew low over the property. On this date, a contractor was working on the property moving large concrete blocks using a tall crane. The plane flew several times over the property causing a danger to all the workers. As with all the events cited above, the plane caused a distraction for all of our employees.

I testify, under penalty of perjury under the laws of the State of California, that the following is true and correct. As to those matters stated above pursuant to information and belief, I believe the same to be true. Executed this 12th day of September, 2010 at Glendora, California.

Jesus G. Garcia
Declarant

EXHIBIT C-23

EXHIBIT C-24

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Attorneys for Plaintiff,
JCM FARMING, INC.

FILED
09/20/2010
S COOK
Superior Court of California
County of Riverside

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF RIVERSIDE, INDIO BRANCH

JCM FARMING, INC.,

Plaintiff,

v.

TWO KEY LLC, 2 KEY LLC, TNT AVIATION, STP AVIATION LLP, RICHARD TOOKEY, TRAVIS PERKINS, and, DOES 1 through 50, inclusive,

Defendants.

Case No. INC 089070

DECLARATION OF ANDREW K. RAUCH IN SUPPORT IN SUPPORT OF APPLICATION FOR TEMPORARY RESTRAINING ORDER

Hearing Date: September 21, 2010
Hearing Time: 8:30 a.m.
Dept.: 2F
Judge: JOHN G. EVANS
Trial: November 15, 2010

I, ANDREW K. RAUCH, hereby declare as follows:

1. I am an attorney licensed to practice in all Courts in the State of California. I am an attorney for the plaintiff, JCM Farming, Inc. in the above-captioned matter. If called upon to do so, I could competently testify to the matters contained herein.

2. During discovery and investigation conducted in this case, I received several maps from the defendants about flights over the real property owned by the plaintiff.

3. Attached hereto and marked as Exhibit 1 is a true and correct copy of a map that I obtained from the Riverside County TLMA GIS mapping system. This map is oriented with north toward the top as indicated by the arrow in the lower left side of the map. The map accurately depicts the location of the 4 parcels comprising the real property owned by JCM Farming, Inc., commonly known as the "Oasis Ranch." The parcels are to the east of and

EXHIBIT C-24

immediately adjacent to the road depicted as Oasis Street on Exhibit 1. The most southerly of these four parcels is north of and immediately adjacent to 55th Avenue. The most northerly of these four parcels is south of and immediately adjacent to 54th Avenue. Thus, the Oasis Ranch extends all the way from 54th Avenue on the north to 55th Avenue to the South, just to the east of Oasis Street.

4. Exhibit 1 also accurately depicts the group of parcels where about 20 residential homes are located in the 20-acre parcel immediately to the east of the Oasis Ranch and west of Jackson Street. The map shows these parcels around the residential streets of Sandra Drive and Beckman Drive.

5. Exhibit 1 also accurately depicts some of the approximately 200 parcels where homes are located in the residential development commonly known as Vista Santa Rosa just to the east of Jackson Street, to the north and south of 55th Avenue. The maps shows the residential streets of Bodine Drive, Laurence Drive, Rosa Avenue, Ella Avenue, Rue Paray, Alvarado Avenue, Majenta Lane, Persimmon Lane, Wade Street, Rue Marne and Andover Drive. Andover Drive in this residential neighborhood is where JCM Farming, Inc. owns a residential home.

6. Exhibit 2 is a true and accurate copy of a map provided to me in this case depicting the flight of an aircraft owned by defendants. The flight path shows 3 passes over the Oasis Ranch and also flight over the Vista Santa Rosa neighborhood. Also, Exhibit 2 shows the flight path of the aircraft to the west of Monroe Street. In this location, property west of Monroe Street is within the city limits of La Quinta.

7. Exhibit 3 is a true and accurate copy of a map provided to me in this case depicting the flight of an aircraft owned by defendants. The flight path shows 4 passes over the Oasis Ranch, 3 passes over the City of La Quinta, and 3 passes over the residential neighborhood of Vista Santa Rosa.

8. Exhibit 4 is a true and accurate copy of a map provided to me in this case depicting the flight of an aircraft owned by defendants. The flight path in Exhibit 4 shows the altitude of the aircraft for the flight flown as depicted in Exhibit 3. In is my understanding that Exhibit 4 shows the aircraft flew less than 500 feet over the Oasis Ranch.

EXHIBIT C-24

9. Exhibit 5 is a true and accurate copy of a map provided to me in this case depicting the flight of an aircraft owned by defendants. The flight path shows 1 pass over the Oasis Ranch, 2 passes over the City of La Quinta, and 2 passes over the residential neighborhood of Vista Santa Rosa.

10. Exhibit 6 is a true and accurate copy of a map provided to me in this case depicting the flight of an aircraft owned by defendants. The flight path shows 1 pass over the Oasis Ranch, 3 passes over the City of La Quinta, and 2 passes over the residential neighborhood of Vista Santa Rosa.

11. Exhibit 7 is a true and accurate copy of a map provided to me in this case depicting the flight of an aircraft owned by defendants. The flight path shows 1 pass over the City of La Quinta and a release of agricultural product there, and 1 pass over the residential neighborhood of Vista Santa Rosa and another release of agricultural product there.

12. Exhibit 8 is a true and accurate copy of a map provided to me in this case depicting the flight of an aircraft owned by defendants. The flight path shows 1 pass over the City of La Quinta and a release of agricultural product there, and 1 pass over the residential neighborhood of Vista Santa Rosa and another release of agricultural product there.

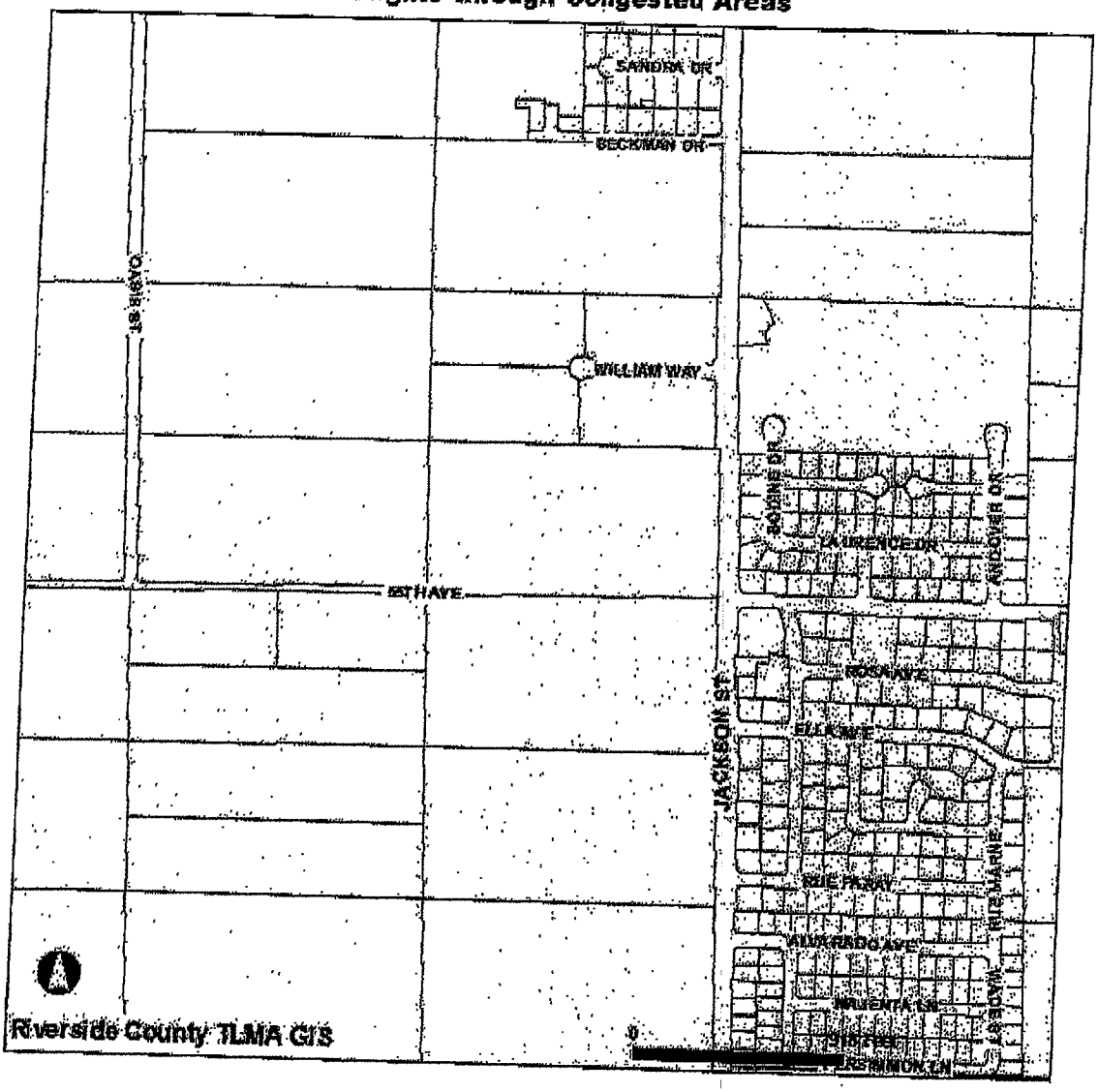
I testify, under penalty of perjury under the laws of the State of California, that the following is true and correct. As to those matters stated above pursuant to information and belief, I believe the same to be true. Executed this 20th day of September, 2010 at Solana Beach, California.

Andrew K. Rauch
Attorneys for Plaintiff,
JCM Farming, Inc.

EXHIBIT C-24

Riverside County GIS

Flights through Congested Areas



IMPORTANT
Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Tue Jul 13 12:33:27 2010
Version 100412 .

Thermal, CA

EXHIBIT 1

EXHIBIT C-24

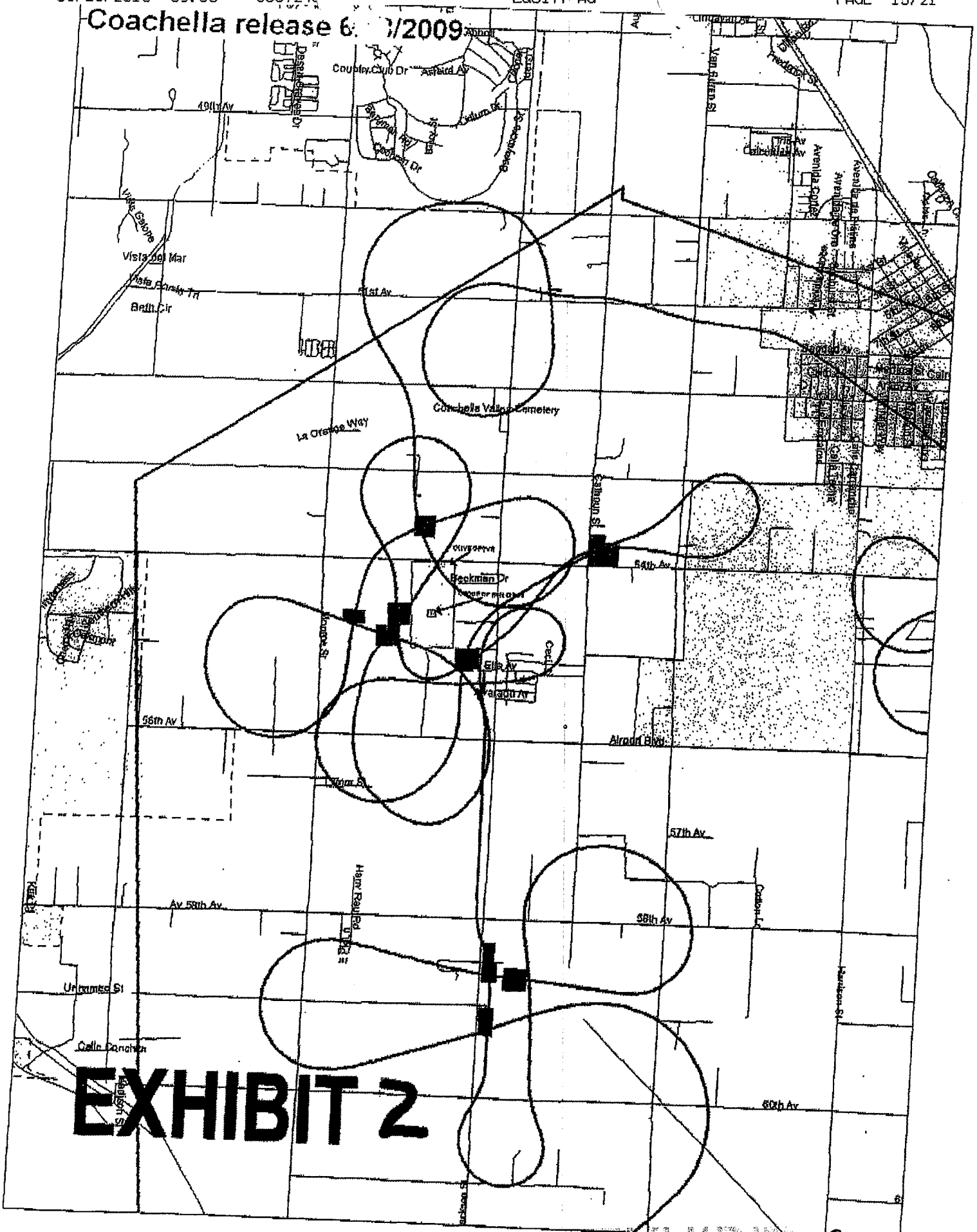


EXHIBIT 2

EXHIBIT C-24

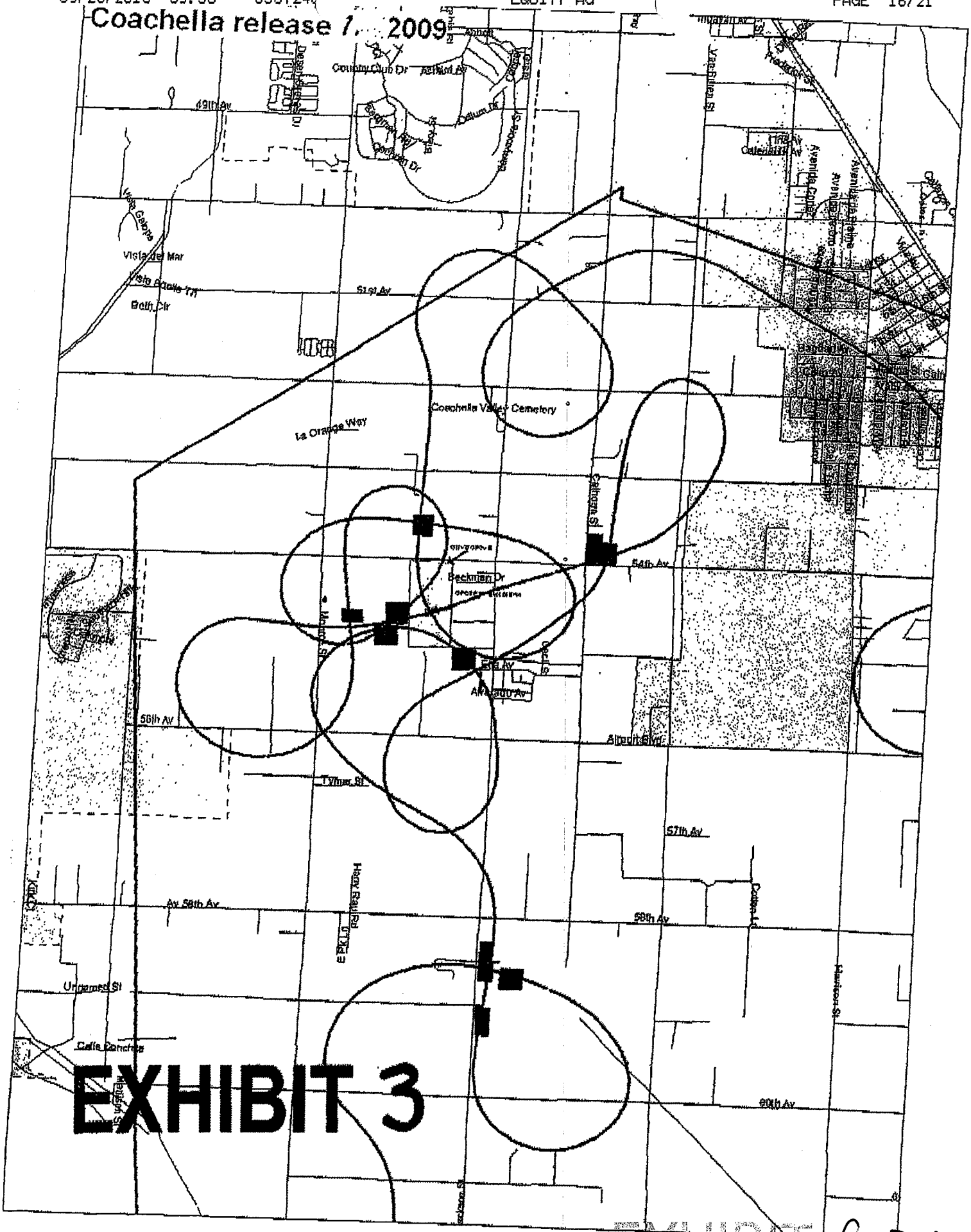


EXHIBIT 3

EXHIBIT C-24

Coachella release 1 /2009

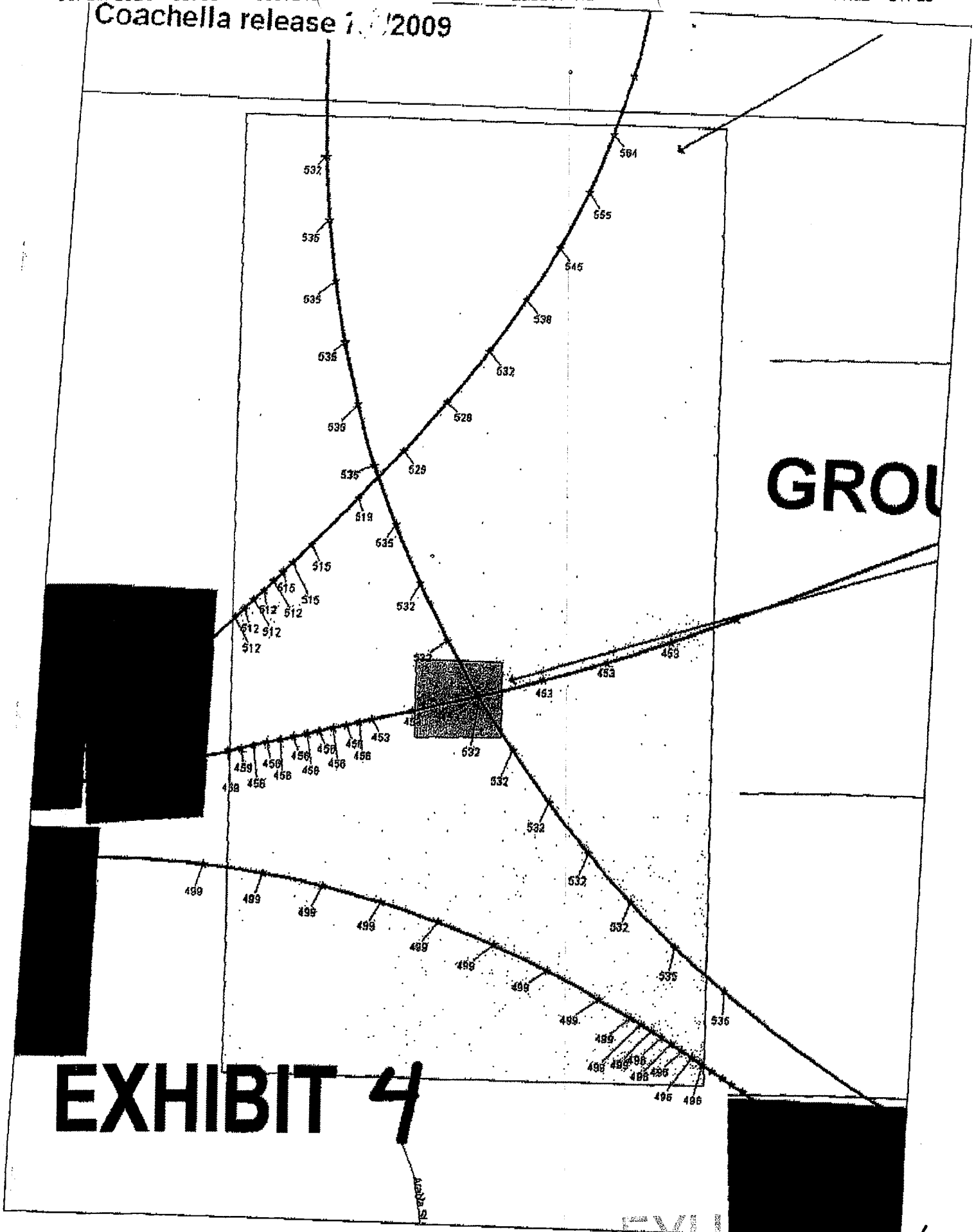
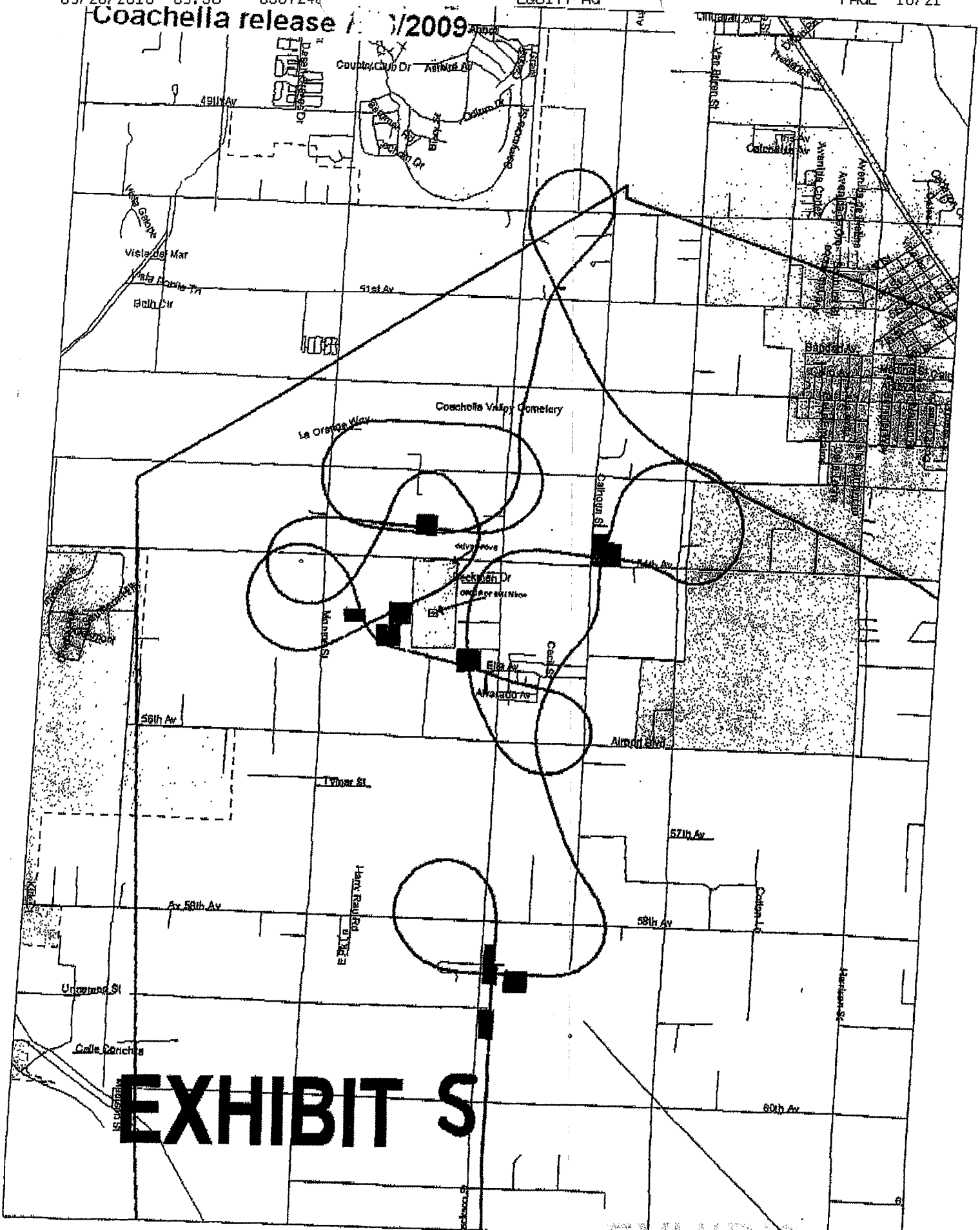


EXHIBIT 4

EXHIBIT C-24



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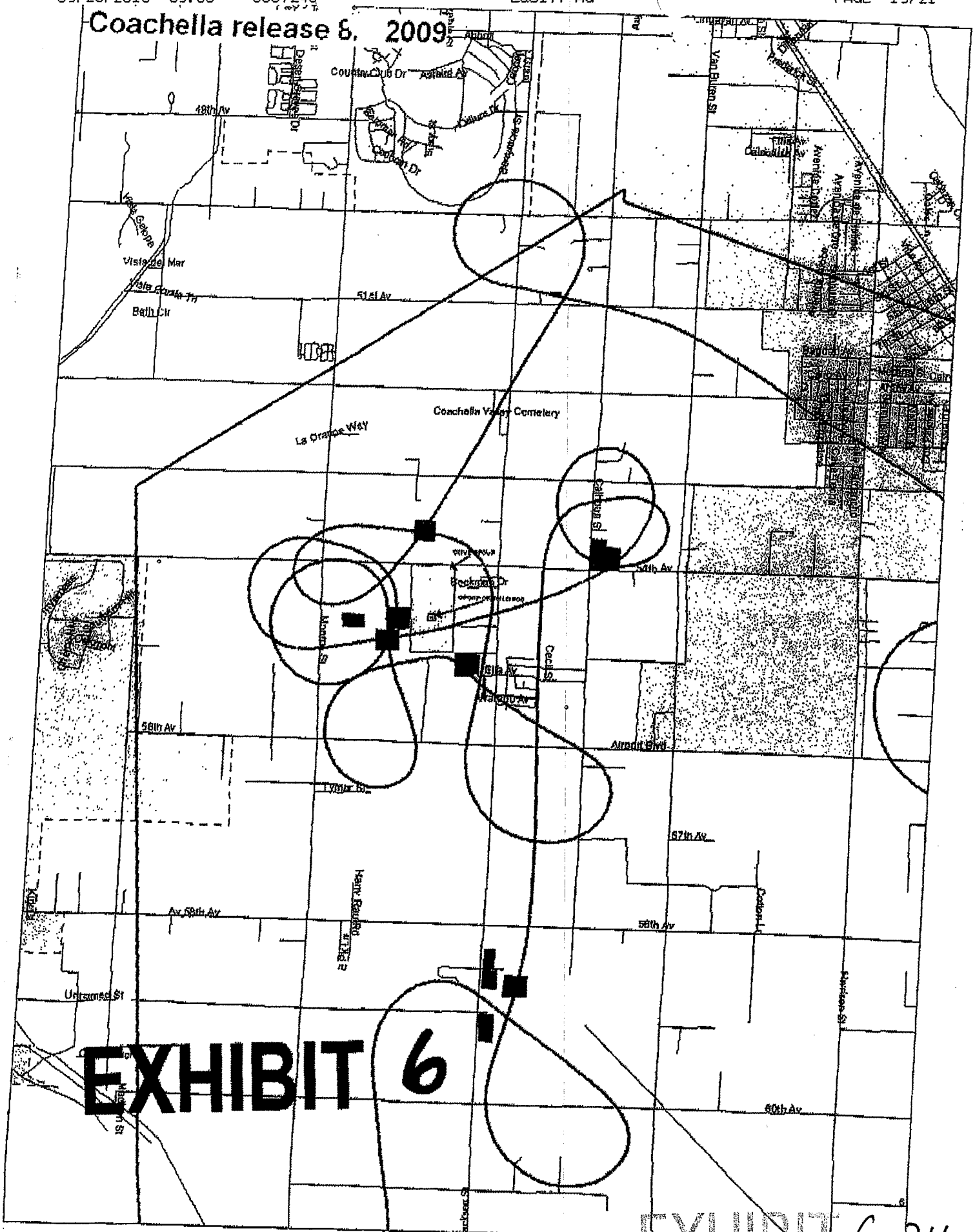

EXHIBIT 6

EXHIBIT C-24

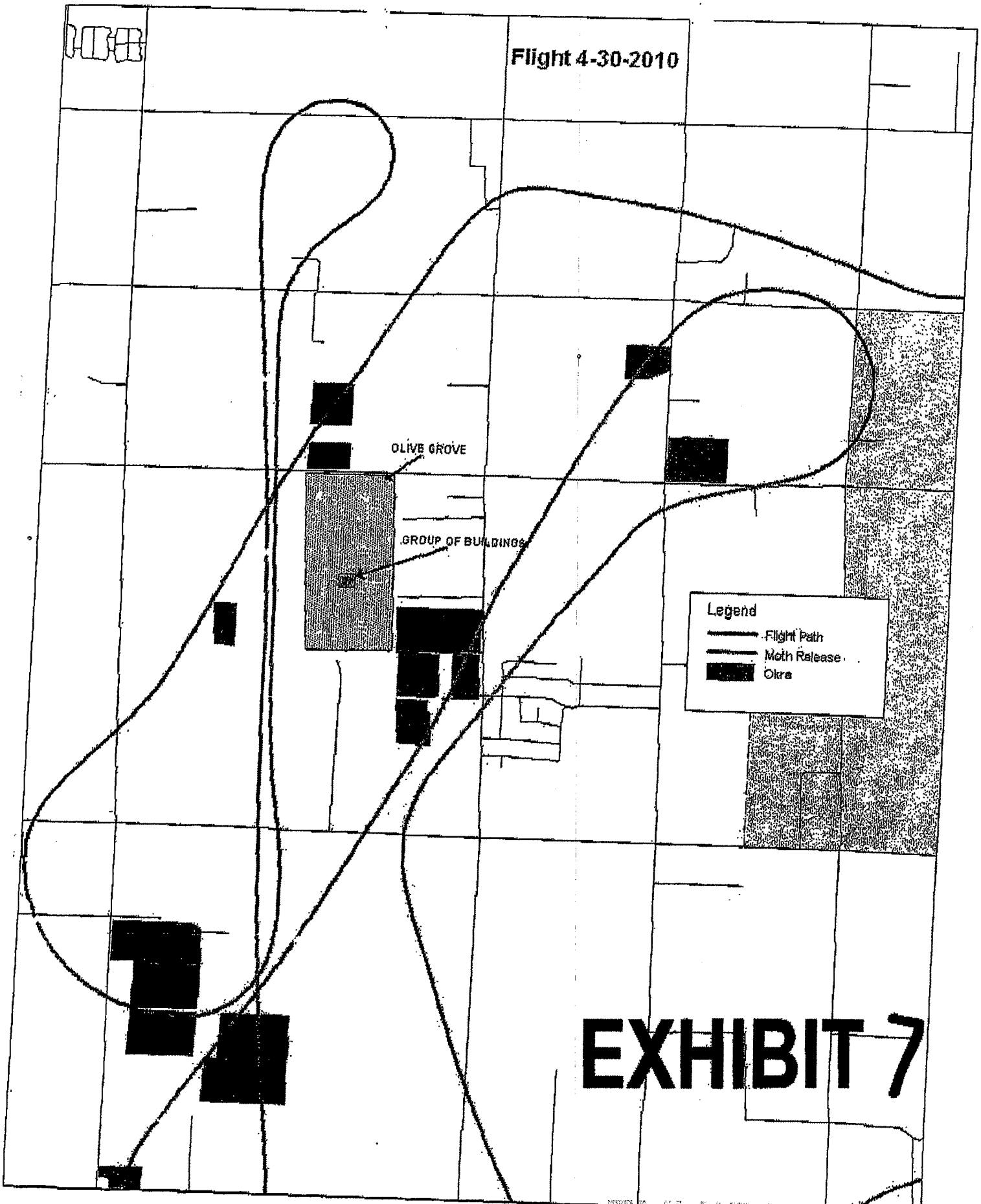

EXHIBIT 7

EXHIBIT C-24

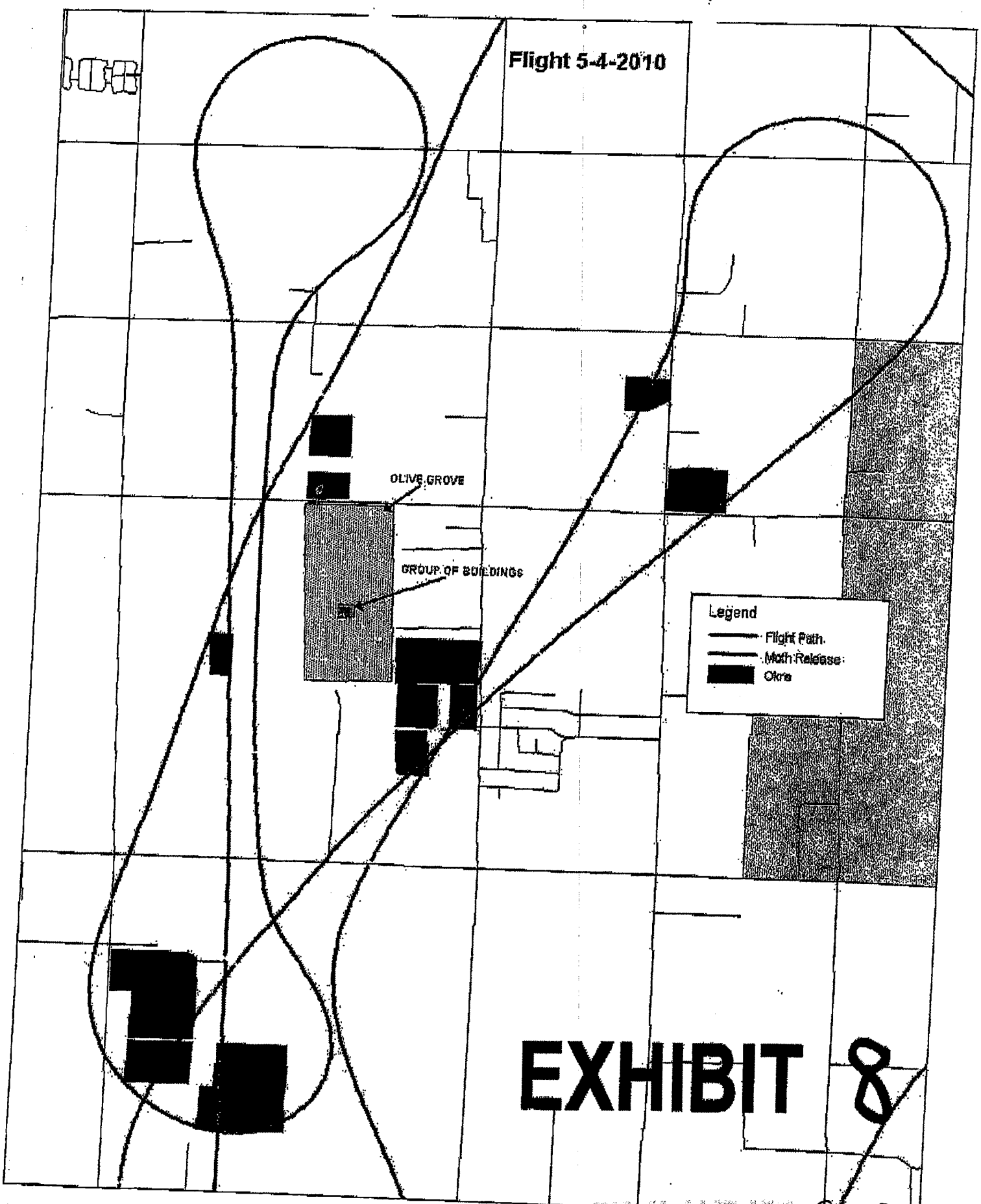

EXHIBIT 8

EXHIBIT C-24

EXHIBIT C-25

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Attorneys for Plaintiff,
JCM FARMING, INC.

FILED
09/20/2010
S COOK
Superior Court of California
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COUNTY OF RIVERSIDE, INDIO BRANCH

JCM FARMING, INC.,

Plaintiff,

v.

TWO KEY LLC, 2 KEY LLC, TNT AVIATION, STP AVIATION LLP, RICHARD TOOKEY, TRAVIS PERKINS, and, DOES 1 through 50, inclusive,

Defendants.

Case No. INC 089070

APPLICATION FOR ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER; MEMORANDUM IN SUPPORT; DECLARATION OF ED LEGARRETA; DECLARATION OF JESUS G. GARCIA; DECLARATION OF MARILENA MARRELLI; AND DECLARATION OF ANDREW K. RAUCH IN SUPPORT

Hearing Date: September 21, 2010
Hearing Time: 8:30 a.m.
Dept.: 2F
Judge: JOHN G. EVANS
Trial: November 15, 2010

Plaintiff, JCM Farming, Inc. applies for a temporary restraining order and for an order requiring defendants to show cause why a preliminary injunction should not issue pending trial in this action, enjoining defendants and their employees, agents, and persons acting with them or on their behalf, from doing the following three (3) things:

1) Flying aircraft over that real property situated in the State of California, County of Riverside, more particularly described as follows:

Parcels 1, 2, 3, and 4 of Parcel Map 16173, on file in Book 93,

EXHIBIT C-25

Pages 3 and 4 of Parcel Maps, Records of Riverside County, California. (For ease of reference, the above-described real property ("Subject Farm Property") is also known as 54-560 Oasis Street, Thermal, California and is generally depicted on that map which is attached hereto and marked as "Exhibit A."); and,

2) Flying aircraft less than 1,000 feet over the residential subdivision which includes the community known as "Vista Santa Rosa" ("Subject Residential Property") which is more particularly identified as shown in the attached "Exhibit B;" and,

3) Dispensing any agricultural product (including live insects) over either the Subject Farm Property or the Subject Residential Property.

This application is made pursuant to the provisions of Code of Civil Procedure section 527 on the ground that defendants have no authorized or permitted purpose to conduct such aircraft operations. Plaintiff will suffer irreparable injury if defendants are not enjoined from engaging in these flight operations in that plaintiff's workers on the Subject Farm Property would be placed in serious danger of loss to life or limb due to the distraction from such flights. Flights below 1,000 feet over plaintiff's Subject Residential Property are within the private property of plaintiff and such flights constitute a taking of private property without compensation and also are prohibited by applicable flight rules and regulations.

Additionally, plaintiff does not have any realistic or practical means to stop this improper or illegal conduct of defendants other than by the present request for relief. It is believed that appropriate law enforcement and/or other governmental officials do not have the present resources to curtain this dangerous activity.

This application is based upon the memorandum in support and declarations set forth below, the complaint in this action, and the accompanying declaration of notice.

Dated: September 20, 2010

Andrew K. Rauch
Attorneys for Plaintiff,
JCM Farming, Inc.

EXHIBIT C-25

EXHIBIT C-26

Andrew K. Rauch (State Bar No. 137657)
201 Lomas Santa Fe Drive, Suite 400
Solana Beach, CA 92075
Telephone: (858) 724-0840
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Attorneys for Plaintiff,
JCM FARMING, INC.

FILED
09/20/2010
C. RIOS
Superior Court of California
County of Riverside

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF RIVERSIDE, INDIO BRANCH

JCM FARMING, INC.,

Plaintiff,

v.

TWO KEY LLC, 2 KEY LLC, TNT AVIATION, STP AVIATION LLP, RICHARD TOOKEY, TRAVIS PERKINS, and, DOES 1 through 50, inclusive,

Defendants.

Case No. INC 089070

MEMORANDUM IN SUPPORT OF APPLICATION FOR TEMPORARY RESTRAINING ORDER

Hearing Date: September 21, 2010
Hearing Time: 8:30 a.m.
Dept.: 2F
Judge: JOHN G. EVANS
Trial: November 15, 2010

Plaintiff, JCM Farming, Inc. applies for a temporary restraining order and for an order requiring defendants to show cause why a preliminary injunction should not issue pending trial in this action, enjoining defendants and their employees, agents, and persons acting with them or on their behalf, from disobeying FAA flight rules. Specifically, plaintiff asks the Court to order the defendants to obey the regulation that requires pilots to fly at least 1000 feet over congested areas. (14 CFR 91.113.) In the alternative, plaintiff asks that if the defendants are conducting agricultural dispensing operations, then plaintiff asks that the Court order defendants to comply with the rules that limit such flight operations within the established FAA parameters. (14 CFR 137.51.)

This action arises from the special situation around plaintiff's property. Plaintiff has built a unique ranch (the "Oasis Ranch") that contains interesting reservoirs and irrigation features, as

EXHIBIT C-26

well as buildings that create an appearance of a Moorish Castle. The special architecture has caused hot air balloon companies to promote tours to look at the Oasis Ranch, as one tour promoter phrased it, "to discover the exotic olive orchards" of Vista Santa Rosa.

The property has become a target for hang gliders, ultralights, and fixed wing aircraft. The high profile of the property creates a dangerous airspace filled with a different number of types of aircraft and the potential for a tragic mid-air collision.

Moreover, as discussed in the declarations filed herewith, this crowd of airborne "sightseers" creates a dangerous distraction for workers on this busy commercial enterprise. Workers are involved in many inherently dangerous activities that are common on a busy agricultural enterprise. Large equipment moves farming supplies, heavy cranes lift fully grown palm trees or other heavy objects. Workers make repairs on elevated structures, including tall buildings and roofs. A nearby aerial distraction can result in death or serious injury.

Plaintiff has tried diligently to reduce the overhead distraction. In fact, in another case this Court granted an injunction against balloon pilots who flew too low near the property. The plaintiff here asks that the Court merely require the defendant airplane company and its pilots to obey applicable FAA guidelines while the case is pending.

Defendants have claimed that they are required to fly near plaintiff's property to conduct an aerial spraying operation for the United States Department of Agriculture. Yet, the USDA contract produced in discovery in this case indicates that the area covered by the contract is restricted to "rural agricultural areas (cotton fields)." (See, Supplemental Declaration of Andrew K. Rauch, filed herewith.)

So, the defendants exceed the scope of governmental authorization for flying, as they are, and dispersing products within the City of La Quinta and over residential areas near the Oasis Ranch. These are not rural areas as contemplated in the contract. Therefore, the governmental contract cannot provide an excuse for defendants to violate aviation safety rules.

Defendants are flying below navigable airspace, trespassing on plaintiff's property, impairing the full use and enjoyment of property rights, creating an unwanted and dangerous

EXHIBIT C-26

nuisance, and invading plaintiff's privacy rights. These activities must be halted, as they create an irreparable injury to plaintiff.

DEFENDANTS CONDUCT CAN AND MUST BE RESTRICTED BY THE COURT

Statutory authority exists for the Court to restrain the conduct of defendants. For example, the Court is empowered to restrain harassment (even if it comes from the air). (Code of Civil Procedure § 527.6.) The Court is empowered to enjoin threats to violence in the workplace. (Code of Civ. Proc. § 527.8.) Since the low flying planes interfere with the commercial operations of the Oasis Ranch, the Court can enjoin their restraint on trade. (Business and Professions Code § 16753.)

Here, the threat of loss is the type that cannot be adequately compensated by money or is of the type where it would be extremely difficult to ascertain the amount of compensation which would afford adequate relief. (Code of Civ. Proc. § 526(4),(5).) This is true because real property rights, which are unique, are being violated. (See, Civil Code § 3387.) Rights of privacy, fundamental constitutional rights are being violated. And, most seriously, the life and health of workers are being threatened, a loss that has no adequate monetary remedy.

As shown in the attached declarations, the threat and danger is real. This significant loss greatly outweighs defendants' claim to operate under a contract which does not provide for work in the subject area. Defendants may still operate under the proposed Order, so long as they abide by the applicable FAA regulations. Thus, there is no harm to defendants if this order is granted.

Dated: September 20, 2010

Andrew K. Rauch
Attorneys for Plaintiff,
JCM Farming, Inc.

EXHIBIT C-26

EXHIBIT C-27

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Attorneys for Defendants
STP AVIATION, LLP, T&T AVIATION, INC., 2KEY LLC,
TRAVIS PERKINS and RICHARD TOOKEY

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
SEP 21 2010
S. Olivarez

MEY
SEP 21 2010
1

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF RIVERSIDE

JCM FARMING, INC. Plaintiff, vs. TWO KEY LLC, 2 KEY LLC, TNT AVIATION, STP AVIATION LLP, RICHARD TOOKEY, TRAVIS PERKINS, and DOES 1 to 50, inclusive, Defendants.	CASE NO. INC 089070 DEFENDANTS' OPPOSITION TO APPLICATION FOR OSC AND RESTRAINING ORDER; REQUEST FOR SANCTIONS; DECLARATION OF PETER J. MCBREEN, ESQ Date : 09/21/10 Time : 8:30 a.m. Dept.: 2F

Defendants STP AVIATION, LLP, T&T AVIATION, INC., 2KEY LLC, TRAVIS PERKINS and RICHARD TOOKEY submit the following opposition to plaintiff's application for injunctive relief.

EXHIBIT C-27

1. STATEMENT OF THE CASE

On August 26, 2009, plaintiff JCM Farming, Inc. (JCM) commenced this action for nuisance, injunctive relief, trespass, abatement of nuisance, unjust enrichment, equitable indemnity and declaratory relief against STP Aviation, LLP (STP), T&T Aviation, Inc., (T&T), 2Key, LLC, Travis Perkins and Richard Tookey.

The defendants have answered the complaint, denying liability and asserting a number of affirmative defenses, including governmental immunities. The answer also requests that JCM be sanctioned pursuant to Section 128.5 of the Code of Civil Procedure. The case is currently set for trial on November 15, 2010.

2. THE PARTIES

Plaintiff JCM is a California corporation which owns a small ranch/farm near Thermal, California. The ranch includes a commercial orchard. The ranch is surrounded by several fields used to grow okra.

Defendant T&T is a Texas corporation, owned by defendant Travis Perkins. In March, 2007, T&T entered into a contract with the United States Department of Agriculture (USDA) to disperse, by air, sterile pink bollworms in Riverside County. The program is part of the USDA's effort to eradicate the bollworm from cotton and okra fields. The eradication program does not include the use of

any pesticides, or other chemicals.

3. FACTUAL CIRCUMSTANCES

A. The Bollworm Eradication Program

The bollworm eradication program commenced in the Thermal, California area in April, 2007. It is projected that the program will run through November, 2011. The actual eradication flights start on or about April 1 of each year and continue through approximately November 30. There are two eradication flights conducted in the Thermal area each week. Barring issues relating to weather and maintenance, the flights are generally flown on Tuesday and Friday mornings.

The aircraft used for the flights are based in Yuma, Arizona. The aircraft generally arrive in the Thermal area between 7:00 a.m. and 9:00 a.m. The flights are flown at approximately 500 feet above ground level. The treatment of each okra field takes less than ten (10) minutes.

Pursuant to its contract with the USDA, T&T is required to install and maintain GPS and flight data recording equipment on the aircraft to log the date, time, route and altitude of each flight (hereinafter referred to as the GPS data).

B. The Pre-Litigation Contacts Between JCM and Defendants

T&T did not receive any complaints from JCM regarding the eradication flights conducted in 2007 and 2008.

In mid July, 2009, T&T received a telephone complaint from JCM regarding allegedly low and dangerous flights over JCM's property. In response, Travis Perkins, the President of T&T, provided JCM with information regarding the general nature of the flights and the eradication program. Perkins also indicated that T&T would make an effort to minimize future flights over JCM's property.

On August 13, 2009, Perkins received an e-mail from Andrew Rauch, the attorney for JCM, claiming that on August 3 and on August 13 T&T's aircraft had again flown dangerously low over JCM's property. The GPS data for the flight on August 3 shows that the aircraft made one pass over the property. The lowest altitude of the aircraft during this pass was 683 feet and the aircraft was over the property for a matter of seconds only. The GPS data also confirms that, contrary to Rauch's representation, no overflight occurred on August 13.

Perkins responded to Rauch's e-mail by indicating that the pilots flying the eradication flights had been instructed to increase the altitude at which the flights were conducted by 100 feet. Perkins also indicated that the pilots had been instructed to avoid flying over the property unless required to do so for safety reasons, or as a result of the location of the fields being treated.

EXHIBIT C-27

Perkins immediately reported JCM's complaints to the USDA. On August 18 the USDA did a review of the flight data relating to the flights in question. This review confirmed that T&T was conducting the flights "**in accordance with FAA flight regulations and PBW Program approved guidelines and procedures**" (emphasis added).

On August 26, 2009, JCM filed suit. It is interesting to note that JCM has also filed a number of suits against hot air balloon operators in the Thermal area seeking damages for alleged balloon flights over JCM's property.

C. The Alleged Flights Over JCM's Property

The complaint alleges that aircraft operated by T&T flew over JCM's property on June 18, July 9, July 10, July 16, July 23 and August 3, 2009.

The GPS data T&T is required to maintain for each flight confirms that on June 18 the aircraft made two passes over a corner of JCM's property while treating an adjacent okra field. The lowest altitude of the aircraft while over JCM's property was 574 feet. The aircraft was over JCM's property for a matter of seconds. This flight occurred before JCM had submitted any complaints about the flights to T&T.

The GPS data confirms that on July 9 the aircraft made four passes over JCM's property while treating several adjacent okra fields. The lowest altitude of the aircraft during any pass was 453 feet. The aircraft was only over the property for a matter of

EXHIBIT C-27

seconds on each pass. Again, these passes occurred before JCM submitted any complaints to T&T.

Contrary to the allegations in the complaint, T&T conducted no flights in the Thermal area on July 10.

On July 16 a T&T aircraft made one pass over JCM's property. The lowest altitude of the aircraft during this pass was 522 feet. Again, the aircraft was over the property for a matter of seconds only.

Contrary to the allegations in the complaint, the GPS data for the flight on July 23 confirms that the T&T aircraft never actually flew over JCM's property.

D. JCM's Records re Alleged Overflights

During the course of discovery, JCM could only produced four memos purportedly documenting alleged aircraft flights over JCM's property. The first memo is dated June 28 and indicates that the aircraft flew over the property at an altitude of 250 feet. In addition, the memo indicates that there were three passengers on board the plane. While T&T did conduct an eradication flight on June 28, there were no passengers on board the T&T aircraft. It is also interesting to note that June 28 is not one of the dates of an alleged overflight set forth in the complaint.

The next memo is dated July 30, 2009. This memo indicates that the aircraft allegedly made eight (8) passes over the property and came within 150 feet of the tower located on the property. Contrary

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to the information contained in the July 30 memo, the GPS data for the flight on that date confirms that the aircraft never flew over JCM's property at any altitude.

The next memo is dated August 13, 2009. The memo indicates the aircraft made one pass over the property and came within 200 feet of the tower. The GPS data for the flight on August 13 confirms that the T&T aircraft never flew over JCM's property at any altitude.

The last memo is dated September 3, 2009. This memo indicates that the aircraft made three (3) passes over the property and came within 200 feet of the tower. Again, the GPS data confirms that on September 3 the aircraft never actually flew over JCM's property.

E. The Eradication Flights Conducted in 2010

In April, 2010, T&T again commenced flying eradication flights in the Thermal area. On May 4, 2010, Andrew Rauch, the attorney representing JCM, contacted Peter J. McBreen, counsel for T&T, to complain that an aircraft operated by T&T had "dive bombed" JCM's property on April 30 and May 4.

Contrary to the assertions of Rauch, the GPS data for the flights conducted on both April 30 and May 4 confirms that T&T did not fly over JCM's property on either date. In addition, an observer from the California Department of Food & Agriculture (CDFA) was on board the aircraft during one of these flights. The observer has confirmed that the aircraft did not fly over JCM's

property and that the flight was flown in conformance with the eradication program guidelines. Once again, the evidence contradicts the claims being made by JCM.

Since May, 2010 JCM's attorney has submitted numerous complaints about alleged over-flights by T&T. On every occasion, the GPS data for the date in question has confirmed that the T&T aircraft did not fly directly over JCM's property. In addition, on several occasions, the CDFA has placed an observer in the aircraft, or at the perimeter of JCM's property. The observer has confirmed that the T&T aircraft did not fly over JCM's property as claimed.

JCM's attorney has also claimed that on June 18, 2010 a local sheriff observed a T&T aircraft fly over JCM's property. The sheriff then followed the subject aircraft to Thermal Airport and attempted to speak to the pilot. When the sheriff approached the aircraft, the pilot reportedly took off.

The GPS data for June 18 confirms that the T&T aircraft never flew over JCM's property. In addition, the radar data confirms that the T&T aircraft never landed at Thermal Airport.

JCM has also submitted complaints to the FAA and to the CDFA regarding purported overflights on July 9, 13 and 16, 2010. T&T has provided both the FAA and the CDFA with copies of the GPS data for these dates proving that T&T did not fly over the property as claimed.

The FAA has reportedly closed its investigation into the matter after concluding T&T did not violate any Federal Aviation Regulations. In addition, JCM, and its attorney, have lost all

EXHIBIT C-27

credibility with the CDFA as a result of the numerous false reports submitted.

F. The Alleged Flight on September 17, 2010

On September 20, 2010 at approximately 9:45 a.m, Peter J. McBreen, counsel for defendants, received a telephone call from Andrew Rauch, counsel for JCM. Rauch advised McBreen that on September 17, 2010 an aircraft operated by T&T had flown over the property at a low altitude. In addition, Rauch indicated that on September 21, 2010, at 8:30 a.m. JCM planned to bring an ex parte application for an order barring defendants from flying over JCM's property.

McBreen suggested that Rauch hold off filing the application until the parties could review the GPS data for September 17. In addition, McBreen promised to provide Rauch with the data as soon as it is received.

At approximately 6:15 p.m. on the evening of September 20, 2010, McBreen received the GPS data for the flight on September 17. Once again, the GPS data confirms that the T&T aircraft did not fly over the JCM property, or operate at a low altitude. A copy of the GPS map for September 17 is attached as Exhibit "A" to the declaration of Peter J. McBreen filed concurrently herewith.

At approximately 6:20 p.m. McBreen provide Andrew Rauch with a copy of the GPS map. Despite being provided with evidence proving the false information provided by his client, Rauch refused to

agree not to proceed with the hearing.

3. ARGUMENT

A. JCM's Application Is Untimely

It is important to note that JCM has waited over one year after the commencement of the action to seek injunctive relief. In addition, JCM now seeks an injunction after providing defendants with less than twenty four hours notice of the hearing and after serving the moving papers on defendants less than sixteen (16) hours before the hearing. Such tactics hardly comply with the "reasonable" notice requirement set forth in Section 527 of the Code of Civil Procedure.

Clearly, JCM has had ample time to bring a noticed motion in the twelve months this action has been pending but chose not to do so. To grant injunctive relief at this stage in the proceedings, without providing defendants sufficient time to oppose the application, would be a violation of due process.

JCM has also failed to provide the court with any explanation for how or why JCM will suffer some additional, irreparable harm in the two months remaining before trial. In that regard, it is important to note that the eradication flights for the 2010 season will cease in November anyway.

B. JCM has Failed to Provide Notice to All Parties

T&T is conducting vital eradication flights pursuant to a contract with the USDA. The California Department of Food and Agriculture (CDFA) is responsible for choosing the specific fields to be treated. Both the USDA and the CDFA have a vested interest in any court order that might interfere with the efficacy of the eradication program. Thus, the USDA and the CDFA should be provided with notice of the application for injunctive relief and given ample time to prepare a response.

C. JCM Has Unclean Hands

JCM has repeatedly submitted false reports concerning the operations of T&T, up to and including the false report submitted regarding the flight on September 17.

JCM should not be granted equitable relief when the allegations that T&T continues to fly over JCM's property is false. Since the first complaint from JCM there have only been one or two inadvertent overflights of JCM's property, all of which occurred in mid 2009. To date, there have been no over-flight of JCM's property in 2010, despite the numerous false claims made by JCM and its attorney.

EXHIBIT C-27

D. T&T Is Entitled to Sanctions

T&T should be awarded sanctions for having to respond to the application that is without merit and based upon false information. As is set forth in the Declaration of Peter J. McBreen, T&T will incur legal fees in the amount of $2,220 opposing this application.

DATED: September 20, 2010 McBREEN & SENIOR

By: _____
PETER J. McBREEN, ESQ.
Attorneys for Defendants

DECLARATION OF PETER J. MCBREEN, ESQ.

Peter J. McBreen, Esq. Declares as follows:

1. I am a licensed attorney at law admitted before all the courts of the State of California. I am the attorney of record for defendants in the captioned matter. As such I have personal knowledge of the facts as set forth herein and if called as a witness could competently testify thereto.

2. The bollworm eradication program commenced in the Thermal, California area in April, 2007. It is projected that the program will run through November, 2011. The actual eradication

EXHIBIT C-27

flights start on or about April 1 of each year and continue through approximately November 30. There are two eradication flights conducted in the Thermal area each week. Barring issues relating to weather and maintenance, the flights are generally flown on Tuesday and Friday mornings.

3. The aircraft used for the flights are based in Yuma, Arizona. The aircraft generally arrive in the Thermal area between 7:00 a.m. and 9:00 a.m. The flights are flown at approximately 500 feet above ground level. The treatment of each okra field takes less than ten (10) minutes.

4. Pursuant to its contract with the USDA, T&T is required to install and maintain GPS and flight data recording equipment on the aircraft to log the date, time, route and altitude of each flight (hereinafter referred to as the GPS data).

5. T&T did not receive any complaints from JCM regarding the eradication flights conducted in 2007 and 2008. In mid July, 2009, T&T received a telephone complaint from JCM regarding allegedly low and dangerous flights over JCM's property. In response, Travis Perkins, the President of T&T, provided JCM with information regarding the general nature of the flights and the eradication program. Perkins also indicated that T&T would make an effort to minimize future flights over JCM's property.

6. On August 13, 2009, Perkins received an e-mail from Andrew Rauch, the attorney for JCM, claiming that on August 3 and on August 13 T&T's aircraft had again flown dangerously low over JCM's property. The GPS data for the flight on August 3 shows that the

EXHIBIT C-27

aircraft made one pass over the property. The lowest altitude of the aircraft during this pass was 683 feet and the aircraft was over the property for a matter of seconds only. The radar data also confirms that, contrary to Rauch's representation, no overflight occurred on August 13.

7. Perkins responded to Rauch's e-mail by indicating that the pilots flying the eradication flights had been instructed to increase the altitude at which the flights were conducted by 100 feet. Perkins also indicated that the pilots had been instructed to avoid flying over the property unless required to do so for safety reasons, or as a result of the location of the fields being treated.

8. Perkins immediately reported JCM's complaints to the USDA. On August 18 the USDA did a review of the flight data relating to the flights in question. This review confirmed that T&T was conducting the flights "in accordance with FAA flight regulations and PBW Program approved guidelines and procedures".

9. On August 26, 2009, JCM filed suit. It is interesting to note that JCM has also filed a number of suits against hot air balloon operators in the Thermal area seeking damages for alleged balloon flights over JCM's property.

10. The complaint alleges that aircraft operated by T&T flew over JCM's property on June 18, July 9, July 10, July 16, July 23 and August 3, 2009. The GPS data T&T is required to maintain for each flight confirms that on June 18 the aircraft made two passes over a corner of JCM's property while treating an adjacent okra

EXHIBIT C-27

field. The lowest altitude of the aircraft while over JCM's property was 574 feet. The aircraft was over JCM's property for a matter of seconds. This flight occurred before JCM had submitted any complaints about the flights to T&T.

11. The GPS data confirms that on July 9 the aircraft made four passes over JCM's property while treating several adjacent okra fields. The lowest altitude of the aircraft during any pass was 453 feet. The aircraft was only over the property for a matter of seconds on each pass. Again, these passes occurred before JCM submitted any complaints to T&T.

12. Contrary to the allegations in the complaint, T&T conducted no flights in the Thermal area on July 10.

13. On July 16 a T&T aircraft made one pass over JCM's property. The lowest altitude of the aircraft during this pass was 522 feet. Again, the aircraft was over the property for a matter of seconds only.

14. Contrary to the allegations in the complaint, the GPS data for the flight on July 23 confirms that the T&T aircraft never actually flew over JCM's property.

15. During the course of discovery, JCM could only produced four memos purportedly documenting alleged aircraft flights over JCM's property. The first memo is dated June 28 and indicates that the aircraft flew over the property at an altitude of 250 feet. In addition, the memo indicates that there were three passengers on board the plane. While T&T did conduct an eradication flight on June 28, there were no passengers on board the T&T aircraft. It is

EXHIBIT C-27

also interesting to note that June 28 is not one of the dates of an alleged overflight set forth in the complaint.

16. The next memo is dated July 30, 2009. This memo indicates that the aircraft allegedly made eight (8) passes over the property and came within 150 feet of the tower located on the property. Contrary to the information contained in the July 30 memo, the GPS data for the flight on that date confirms that the aircraft never flew over JCM's property at any altitude.

17. The next memo is dated August 13, 2009. The memo indicates the aircraft made one pass over the property and came within 200 feet of the tower. The GPS data for the flight on August 13 confirms that the T&T aircraft never flew over JCM's property at any altitude.

18. The last memo is dated September 3, 2009. This memo indicates that the aircraft made three (3) passes over the property and came within 200 feet of the tower. Again, the GPS data confirms that on September 3 the aircraft never actually flew over JCM's property.

19. In April, 2010, T&T again commenced flying eradication flights in the Thermal area. On May 4, 2010, Andrew Rauch, the attorney representing JCM, contacted Peter J. McBreen, counsel for T&T, to complain that an aircraft operated by T&T had "dive bombed" JCM's property on April 30 and May 4.

20. Contrary to the assertions of Rauch, the GPS data for the flights conducted on both April 30 and May 4 confirms that T&T did not fly over JCM's property on either date. In addition, an

observer from the California Department of Food & Agriculture (CDFA) was on board the aircraft during one of these flights. The observer has confirmed that the aircraft did not fly over JCM's property and that the flight was flown in conformance with the eradication program guidelines. Once again, the evidence contradicts the claims being made by JCM.

21. Since May, 2010 JCM's attorney has submitted numerous complaints about alleged over-flights by T&T. On every occasion, the GPS data for the date in question has confirmed that the T&T aircraft did not fly directly over JCM's property. In addition, on several occasions, the CDFA has placed an observer in the aircraft, or at the perimeter of JCM's property. The observer has confirmed that the T&T aircraft did not fly over JCM's property as claimed.

22. JCM's attorney has also claimed that on June 18, 2010 a local sheriff observed a T&T aircraft fly over JCM's property. The sheriff then followed the subject aircraft to Thermal Airport and attempted to speak to the pilot. When the sheriff approached the aircraft, the pilot reportedly took off.

23. The GPS data for June 18 confirms that the T&T aircraft never flew over JCM's property. In addition, the radar data confirms that the T&T aircraft never landed at Thermal Airport.

24. JCM has also submitted complaints to the FAA and to the CDFA regarding purported overflights on July 9, 13 and 16, 2010. T&T has provided both the FAA and the CDFA with copies of the GPS data for these dates proving that T&T did not fly over the property as claimed.

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29. I have spent approximately five (5) hours drafting this opposition to JCM's application. In addition, I anticipate spending another seven (7) hours traveling to Indio and attending the hearing on the application.

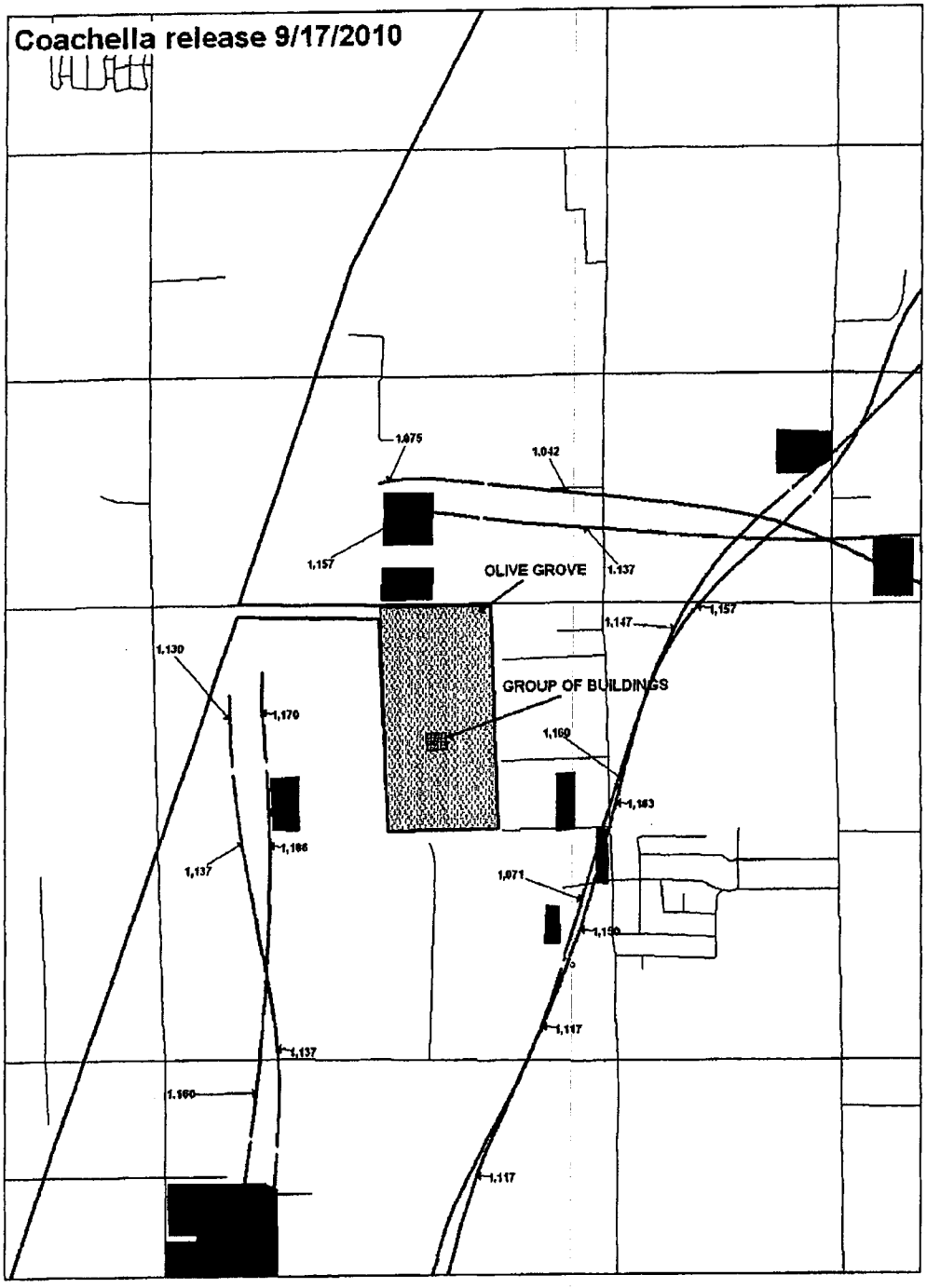
31. I bill my time on this file at a rate of $185 per hour.

I declare under penalty of perjury the following is true and correct.

Executed this 20th day of September, 2010 at Los Angeles, California.

Peter J. McBreen, Esq.

EXHIBIT C-27



Ex "A"

EXHIBIT C-27

EXHIBIT C-28

RIVERSIDE SUPERIOR COURT
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Minute Order

Case INC089070 - JCM FARMING INC VS TWO KEY LLC; ET AL

EX PARTE HEARING RE APP FOR ORDER SHOW CAUSE & TEMP RESTRAINING.
09/21/2010 8:30 AM DEPT. 2F

HONORABLE JOHN G EVANS, PRESIDING
CLERK: V. RODRIGUEZ
COURT REPORTER: D.E. KOTTER
JCM FARMING INC REPRESENTED BY/IN ANDREW K. RAUCH
2 KEY LLC, STP AVIATION LLP, RICHARD TOOKEY, TRAVIS PERKINS, T & T AVIATION INC REPRESENTED BY/IN PETER J. MCBREEN
ARGUMENT PRESENTED BY COUNSEL PRESENT.
EX PARTE APPLICATION FOR ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER TAKEN UNDER SUBMISSION
/////
COURT SUBSEQUENTLY RULES:
EX PARTE APPLICATION AND ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER DENIED.
DEFENDANTS REQUEST FOR SANCTIONS IS DENIED ON PROCEDURAL GROUNDS. THE COURT COULD NOT FIND ANY
AUTHORITY TO AWARD ATTORNEYS FEES TO A PARTY PREVAILING ON AN EX PARTE TRO OTHER THAN IN
HARASSMENT CASES UNDER CCP SECTION 527.6(l) (W&B 9:706.) AND CCP SECTION 128.7 REQUIRES A NOTICED
MOTION WITH A "SAFE HARBOR" 21 DAY PERIOD UNDER CCP SECTION 128.7 WHERE THE OFFENDING PARTY HAS
21 DAYS TO WITHDRAW THEIR FRIVOLOUS MOTION OR BE SUBJECT TO THE SANCTION AWARD. (SEE W&B 9:1135
AND 9:1186 ET SEQ.)
NOTICE TO BE GIVEN BY CLERK

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EXHIBIT C-28

EXHIBIT C-29

SUPERIOR COURT, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

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- ☐ BLYTHE 265 North Broadway, Blythe, CA 92225
- ☐ HEMET 880 N. State St., Hemet, CA 92543
- ☑ INDIO 46-200 Oasis St., Indio, CA 92201
- ☐ MURRIETA 30755-D Auld Road, Murrieta, CA 92563
- ☐ RIVERSIDE 4050 Main St., Riverside, CA 92501
- ☐ RIVERSIDE 4175 Main St., Riverside, CA 92501
- ☐ TEMECULA 41002 County Center Dr., #100, Temecula, CA 92591

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):
Andrew K. Rauch (State Bar No. 137657)
201 Lomas Santa Fe Drive, Suite #400
Solana Beach, CA 92075

TELEPHONE NO.: (858) 724-0840 FAX NO.: (858) 724-0845
ATTORNEY FOR (Name): Plaintiff, JCM Farming, Inc.

FILED
10/01/2010
S COOK
Superior Court of California
County of Riverside

TITLE OF CASE: JCM Farming, Inc. v. Two Key LLC, et al.

AMENDMENT TO ☑ Complaint ☐ Cross-Complaint CASE NUMBER: INC089070

FICTITIOUS NAME (No order required)

Upon filing the complaint* herein, plaintiff(s)* being ignorant of the true name of a defendant and having designated said defendant in the complaint by the fictitious name of DOE 2 and having discovered the true name of the said defendant to be State of California, Department of Food and Agriculture

hereby amends the complaint by inserting such true name in place and stead of such fictitious name wherever it appears in said complain

Dated: 09/30/2010

Andrew K. Rauch
TYPED NAME & SIGNATURE OF ATTORNEY

INCORRECT NAME (Requires order thereon)

Plaintiff(s)* having designated a defendant in the complaint* by the incorrect name of

and having discovered the true name of the said defendant to be

hereby amends the complaint by inserting such true name in place and stead of such incorrect name wherever it appears in said complair

Dated:

TYPED NAME & SIGNATURE OF ATTORNEY

ORDER

Proper cause appearing, plaintiff(s)* allowed to file the above amendment to the complaint.*

Dated:

JUDGE OF THE SUPERIOR COURT

*Complaint means a cross-complaint. Plaintiff means a person who files a complaint or cross-complaint (C.C.P. 426.10).

EXHIBIT C-29

PROOF OF SERVICE BY MAILING

I am over the age of 18 and not a party to the within action. I am employed by the Office of United States Attorney, Central District of California. My business address is 300 North Los Angeles Street, Suite 7516, Los Angeles, California 90012.

On October 28, 2010 I served **NOTICE OF REMOVAL OF CIVIL ACTION BY FEDERAL DEFENDANT UNITED STATES DEPARTMENT OF AGRICULTURE** on persons or entities named below by enclosing a copy in an envelope addressed as shown below and placing the envelope for collection and mailing on the date and at the place shown below following our ordinary office practices. I am readily familiar with the practice of this office for collection and processing collection and mailing, it is deposited in the ordinary course of business within the United States Postal Service in a sealed envelope with postage fully prepaid.

Date of mailing: October 28, 2010. Place of mailing: Los Angeles, California. Person(s) and/or Entity(is) To Whom Mailed:

Andrew K. Rauch, Esq.
General Counsel JCM Farming, Inc.
201 Lomas Santa Fe Dr., Ste. 400
Solana Beach, CA 92075

Peter J. McBreen, Esq.
McBreen and Senior
2029 Century Park East, Third Floor
Los Angeles, CA 90067

I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on October 28, 2010 at Los Angeles, California.

Louisa Lin